

Also, petition of the Wholesale Liquor Dealers' Association of Pennsylvania, for enactment of bill H. R. 4490—to the Committee on Ways and Means.

By Mr. SMITH of Arizona: Paper to accompany bill for relief of Warren Windham—to the Committee on War Claims.

By Mr. SMITH of California: Petition of citizens of California, for an amendment of Chinese-exclusion laws to prevent conflict between such laws and our treaty with China—to the Committee on Foreign Affairs.

By Mr. STERLING: Petition of L. S. Holderman, for legislation providing for reciprocal demurrage—to the Committee on Interstate and Foreign Commerce.

By Mr. WEBBER: Papers to accompany bill granting an increase of pension to Charles B. Spring, of Elyria, Ohio—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, January 29, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CARTER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

SENATOR FROM KANSAS.

Mr. LONG. Mr. President, I present the credentials of Hon. Charles Curtis, elected by the legislature of Kansas to fill the vacancy caused by the resignation of Senator J. R. Burton.

The VICE-PRESIDENT. The credentials will be read by the Secretary.

The Secretary read the credentials of Charles Curtis, chosen by the legislature of the State of Kansas a Senator from that State for the unexpired term of J. R. Burton, ending March 3, 1907; which were read and ordered to be filed.

Mr. LONG. The Senator-elect is present and ready to take the oath of office.

The VICE-PRESIDENT. The Senator-elect will present himself at the Vice-President's desk and take the oath prescribed by law.

Mr. Curtis was escorted to the Vice-President's desk by Mr. LONG, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

CHIPPEWA INDIAN LANDS IN MINNESOTA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a detailed report of the Director of the Geological Survey on the drainage survey of lands ceded by the Chippewa Indians in the State of Minnesota which remain unsold and are wet, overflowed, or swampy in character, etc.; which, with the accompanying papers and maps, was referred to the Committee on the Public Lands, and ordered to be printed.

OHIO RIVER IMPROVEMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 23d instant, an indorsement by the Chief of Engineers, United States Army, relative to the transmission of the report of the special board authorized under the river and harbor act of 1905 on the Ohio River; which was referred to the Committee on Commerce, and ordered to be printed.

ENROLLMENT OF POTTAWATOMIE INDIANS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation for inclusion in the Indian appropriation bill for expenses incident to making an enrollment of the Pottawatomie Indians of Wisconsin, under the requirement of the act of June 21, 1906, \$2,500; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 3702. An act for the relief of the Gurley Memorial Presbyterian Church, of the District of Columbia, and for other purposes;

S. 7028. An act for the relief of the Allis-Chalmers Company, of Milwaukee, Wis.;

S. 7147. An act to amend section 2536 of the Revised Statutes, relative to assistant appraisers at the port of New York, and further defining their powers, duties, and compensation;

S. 7827. An act permitting the building of a railway bridge across the Mississippi River in Morrison County, State of Minnesota; and

S. 8014. An act to authorize The National Safe Deposit, Savings and Trust Company of the District of Columbia, to change its name to that of National Savings and Trust Company.

The message also announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

S. 4267. An act to prohibit the sale of intoxicating liquors near the Government Hospital for the Insane and the Home for the Aged and Infirm;

S. 5698. An act to regulate the practice of veterinary medicine in the District of Columbia;

S. 6338. An act to amend section 2 of an act entitled "An act to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington;"

S. 6470. An act in relation to the Washington Market Company; and

S. 7170. An act to amend an act relating to service on foreign corporations, approved June 30, 1902, entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia.'"

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9577) for the relief of Charles H. Stockley.

The message also announced that the House had agreed to the amendments of the Senate to the amendments of the House to the joint resolution (S. R. 86) granting an extension of time to certain homestead entrymen.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

H. R. 129. An act for the opening of a connecting parkway along Piney Branch between Sixteenth street and Rock Creek Park, District of Columbia;

H. R. 9326. An act for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street;

H. R. 12690. An act to define the term of "registered nurse" and to provide for the registration of nurses in the District of Columbia;

H. R. 14897. An act to protect the streets of the city of Washington;

H. R. 17212. An act to amend an act to incorporate the Supreme Lodge of the Knights of Pythias;

H. R. 21684. An act to amend section 2 of an act entitled "An act regulating the retent on contracts with the District of Columbia," approved March 21, 1906;

H. R. 22350. An act to authorize the recorder of deeds of the District of Columbia to recopy old records in his office, and for other purposes;

H. R. 23384. An act to amend an act entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia,' regulating proceedings for condemnation of land for streets;"

H. R. 23830. An act governing the maintenance of stock yards, slaughterhouses, and packing houses in the District of Columbia;

H. R. 23940. An act for the extension of Albemarle street NW., District of Columbia;

H. R. 23941. An act to amend section 14 of the act approved July 29, 1892, entitled "An act for the preservation of the public peace and the protection of property within the District of Columbia;"

H. R. 24746. An act for free lectures;

H. R. 24932. An act for the extension of School street NW.;

H. R. 25013. An act granting to the regents of the University of Oklahoma section No. 36, in township No. 9 north, of range No. 3 west, of the Indian meridian, in Cleveland County, Okla.; and

H. J. Res. 231. Joint resolution authorizing the Secretary of War to sell certain hay, straw, and grain at Fort Assiniboine. The message further announced that the House insists upon its amendments to the bill (S. 6364) to incorporate the National Child Labor Committee, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TAYLOR of Ohio, Mr. SAMUEL W. SMITH, and Mr. SIMS managers at the conference on the part of the House.

The message also announced that the House had passed a concurrent resolution providing for the printing of 6,000 copies of the report of the Postal Commission appointed under the provisions of the act making appropriations for the service of the Post-Office Department, approved June 26, 1906, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following bills and joint resolutions; and they were thereupon signed by the Vice-President:

- S. 549. An act granting a pension to Louis T. Frech;
 S. 1160. An act to correct the military record of John McKinnon, alias John Mack;
 S. 1178. An act providing for the resurvey of a township of land in Colorado;
 S. 1879. An act granting an increase of pension to Lorenzo F. Harmon;
 S. 2595. An act granting a pension to William P. Parrill;
 S. 4350. An act for the relief of Arthur A. Underwood;
 S. 4404. An act granting an increase of pension to Elizabeth B. Boyle;
 S. 4819. An act for the relief of M. A. Johnson;
 S. 5672. An act granting an increase of pension to Felix G. Murphy;
 S. 6226. An act granting an increase of pension to Mary A. Mickler;
 S. 6510. An act granting an increase of pension to Sarah R. Williams;
 S. 7096. An act granting an increase of pension to Margaret McCullough;
 S. 7177. An act granting an increase of pension to Melvin L. Le Suer, alias James French;
 S. 7827. An act permitting the building of a railway bridge across the Mississippi River in Morrison County, State of Minnesota;
 H. J. Res. 230. Joint resolution continuing the Postal Commission until the close of the present session of Congress; and
 H. J. Res. 231. Joint resolution authorizing the Secretary of War to sell certain hay, straw, and grain at Fort Assinniboine.

PETITIONS AND MEMORIALS.

Mr. SMOOT presented a petition of the city council of Salt Lake City, Utah, praying for the enactment of legislation granting a right of way for a boulevard through the Fort Douglas Military Reservation; which was referred to the Committee on Military Affairs.

Mr. NELSON presented petitions of sundry citizens of Faribault and Atwater, in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Minnesota, praying for the adoption of certain amendments to the free-alcohol law; which were referred to the Committee on Finance.

Mr. MILLARD presented a petition of the house of representatives of the State of Nebraska, praying for the enactment of legislation providing for the imposition of an income tax; which was referred to the Committee on Finance.

Mr. DEPEW presented petitions of sundry citizens of Cherry Creek, Poplar Ridge, Corning, and Mahopac Falls, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. HEYBURN presented a memorial of 78 citizens of Moscow, Idaho, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. DU PONT. I present a joint resolution of the general assembly of Delaware, praying for the enactment of legislation authorizing the appointment of Lieut. Col. Harry G. Cavanaugh, United States Army, retired, on the retired list of the Army with the rank of brigadier-general. I ask that the joint resolution be read and referred to the Committee on Military Affairs.

There being no objection, the joint resolution was read and referred to the Committee on Military Affairs, as follows:

House joint resolution No. 4.

Be it resolved by the senate and house of representatives of the State of Delaware in general assembly met, That the Congress of the United States be requested to pass the necessary legislation that will place Lieut. Col. Harry G. Cavanaugh, United States Army, retired, on the retired list of the United States Army as a brigadier-general; and be it further

Resolved, That our Senators and Representatives in Congress be presented with a certified copy of this resolution, and that they be urgently requested to do all in their power to further the object and intent of this resolution.

RICHARD HODGSON,
 Speaker of the House of Representatives.
 ISAAC T. PARKER,
 President of the Senate.

Approved this the 21st day of January, A. D. 1907.

PRESTON LEA, Governor.

STATE OF DELAWARE,
OFFICE OF SECRETARY OF STATE.

I, Joseph L. Cahall, secretary of state of the State of Delaware, do hereby certify that the above and foregoing is a true and correct copy of house joint resolution No. 4, approved January 21, 1907, as the same appears on file in this office.

In testimony whereof I have hereunto set my hand and official seal, at Dover, this 21st day of January, in the year of our Lord 1907.

[SEAL.]

JOSEPH L. CAHALL,
 Secretary of State.

Mr. DU PONT presented a petition of sundry citizens of Newcastle, Del., praying for the enactment of legislation providing for the establishment of a fish-hatching and fish-cultural station in the county of Newcastle, in that State; which was referred to the Committee on Fisheries.

Mr. BURKETT presented a petition of sundry citizens of Springbranch, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the house of representatives of Nebraska, praying for the enactment of legislation providing for the imposition of an income tax; which was referred to the Committee on Finance.

Mr. DICK presented petitions of sundry citizens of Alliance, Cincinnati, Cleveland, Dayton, Sandusky, Springfield, and Toledo, all in the State of Ohio, praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented petitions of Capt. William M. Scofield, of Cleveland, Ohio; Capt. Worthington Kautzman, of Columbus, Ohio; Capt. James J. Erwin, of Florida; Capt. Richard J. Fanning, of Cleveland, Ohio; Lieut. Ira J. Morrison, of Columbus, Ohio; Lieut. George H. Wood, of Dayton, Ohio, and Lieut. Victor J. Bergstrom, of Minnesota, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which were referred to the Committee on Claims.

He also presented petitions of sundry business firms of Ashland, Akron, Bryan, Canal Fulton, Canton, Cleveland, Chagrin Falls, Columbus, Lancaster, Mansfield, Medina, Piqua, Painesville, and Sidney, all in the State of Ohio, praying that an appropriation be made for the construction of a deep waterway from the Lakes to the Gulf; which were referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Toledo, Delaware, New Berlin, Mount Vernon, Bellville, Cleveland, Urbana, and Gratiot, all in the State of Ohio, praying for the enactment of legislation to modify the present postal fraud-order law; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry publishers of Cadiz, Painesville, Cleveland, Columbus, and Canton, all in the State of Ohio, and of sundry publishers of Philadelphia, Pa., remonstrating against the enactment of legislation increasing the rates of postage on second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the J. T. Wamelink & Sons Piano Company and the Gottdiner & Wicht Company, of Cleveland; of the talking-machine stores of Lorain County, and of Miller's musical store, of Springfield, all in the State of Ohio, remonstrating against the adoption of certain amendments to the present copyright law; which were referred to the Committee on Patents.

He also presented memorials of sundry citizens of Akron, Bellevue, Botkins, Whitstone, Coshocton, Chandon, Winchester, Creston, Dresden, Fremont, Greenville, and Hamilton, all in the State of Ohio, remonstrating against the ruling of the Interstate Commerce Commission relative to prohibiting newspapers from contracting with railroad companies for transportation in exchange for advertising; which were referred to the Committee on Interstate Commerce.

He also presented memorials of L. A. Dozer, of Bucyrus; of W. N. Breuner, of Cincinnati; of George M. Edmondson, of Cleveland; of A. L. Bowersox, of Dayton; of I. B. Stanton, of Findlay; of C. S. Battham, of Norwalk, and of the Lens and Brush Club, of Toledo, all in the State of Ohio, remonstrating against the adoption of a certain amendment to the copyright bill relative to the reproduction of photographs in newspapers; which were referred to the Committee on Patents.

Mr. CULBERSON presented a petition of sundry citizens of Llano, Tex., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented the petition of Harriet Cooke, of Texas, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

Mr. McCREARY presented a petition of the Woman's Christian Temperance Union of Columbus, Ky., and a petition of sundry citizens of Middlesboro, Ky., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PILES presented petitions of sundry citizens of Roy and Olympia, of the Woman's Christian Temperance Union of Port Orchard, and of the Woman's Christian Temperance Union of Ostrander, all in the State of Washington, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PETTUS presented the petition of Daniel Carroll, of Tuscaloosa County, Ala., praying for the reference of his claim to the Court of Claims; which was referred to the Committee on Claims.

He also presented the petition of John H. Cummins, of Pickens County, Ala., praying for the reference of his claim to the Court of Claims; which was referred to the Committee on Claims.

Mr. PENROSE presented sundry papers to accompany the bill (S. 1613) granting a pension to Rebecca L. Price; which were referred to the Committee on Pensions.

Mr. GALLINGER presented a petition of sundry citizens of Manchester, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. LONG presented a paper to accompany the bill (S. 7792) granting an increase of pension to Maria W. Howe; which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Chautauqua, Cowley, and McPherson counties, all in the State of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. DANIEL presented a memorial of the Game Protective Association of Virginia, remonstrating against the abolishment of the Division of Biological Survey, in the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Clearing House Association, of Norfolk, Va., praying for the enactment of legislation for the issue and redemption of national bank guaranteed credit notes; which was referred to the Committee on Finance.

BUSINESS OF THE SESSION.

Mr. HALE. Mr. President, what I am going to say I think the entire Senate is interested in. We have now remaining of the session two business days in January, twenty-three in February, and two in March, in all twenty-seven working days. There is not a single one of the appropriation bills that has become a law. Within these twenty-six or twenty-seven days Congress will have to appropriate something like \$800,000,000 of the revenues of the Government in appropriation bills, and not one of those bills, as I said, has passed.

There has never been in my experience a condition where these necessary bills are so far behind as this year. There is no fault that can be laid to any committee, because as fast as the bills are received from the House they are taken up by the committees here and reported to this body. The Committee on Appropriations had two of these bills lately from the House, and within three or four days of the time of receiving them they met and considered them and reported them to the Senate. There are two of these bills now before the Senate.

I gave notice yesterday that this morning I would ask the Senate at the close of the morning business to take up the diplomatic and consular appropriation bill and get it out of the way. I have no more interest nor have the members of the Committee on Appropriations any more interest in having this necessary business done than every other Senator. But the Committee on Appropriations and the other committees having charge of the appropriation bills are met by propositions that consume all the time. We can not get these bills before the Senate. The Senator from Indiana [Mr. BEVERIDGE] has consumed, to the pleasure and profit of the Senate, the best of two days and wants another day. I find on looking at the Record that to-day has been substantially confiscated by a unanimous-consent agreement of the Senate that when the Senator from Indiana is through, not that an appropriation bill shall be taken up, but that the Senator from Montana [Mr. CARTER] shall proceed to further instruct and please the Senate by another speech.

I call the attention of the Senate to the fact that by these unanimous-consent agreements the appropriation bills are left in the rear. I am powerless. I can not for one be here always because of the business of the Committee on Appropriations;

I am a large part of the day in the committee room; neither can the chairman nor any member of the committee always be here to prevent such unanimous-consent agreements. I do not like, and no Senator likes, to be disagreeable and interfere with Senators who desire to speak, but the business must be done. Yesterday morning the Senator from New Hampshire [Mr. GALLINGER], in charge of an important bill, ventured to suggest that possibly legislation is of more importance than speech making, but I doubt very much whether the Senate would agree to that proposition.

I am inclined and I am tempted to say that, not being able to be here and the members of the Committee on Appropriations not being able to be here at all times, I can not be bound hereafter, for one, by any unanimous-consent agreement that the time of the Senate shall be taken up when appropriation bills are ready.

I think it is proper to make this statement so that Senators will realize the danger we are in, with only some twenty-five working days and not a single appropriation bill passed. It is absolutely necessary that they should be passed, and some of them involve matters that will give rise to quite extensive debate. We ought to take them up.

There is one remedy, and we shall soon have to resort to it. I hope Senators will bear that in mind. I thought of moving that the Senate would to-day take a recess from 6 o'clock to 8, in order to attend to business, or if the making of speeches is of more importance than that, to listen to speeches and get rid of some of the things that are blocking the way. But I do not think it would be hardly fair, in view of the convenience of Senators, to do that for to-night, but I think to-morrow, unless the appropriation bills are considered and proceeded with, I or the chairman or any other member of the committee will move for a night session. We shall soon be confronted with a condition where it will be necessary to have frequent night sessions, night after night, for Senators must remember that not one of these great bills has yet been before the Senate, except the legislative, executive, and judicial appropriation bill.

I have thought it proper to lay this statement before the Senate and to appeal to the Senate to stand by the Committee on Appropriations and the other great committees that have charge of appropriation bills in getting them out of the way. If not, we will run into what we did not last year, because there we were at liberty to extend the session. We will run into the 4th of March and be in danger of being called together in extra session.

Mr. BEVERIDGE. Mr. President, I wish to say only one word after what the Senator from Maine has said. In common with the whole Senate I very heartily agree with him, and I want to thank the Senator personally for his courtesy and kindness in not invoking the rule which gives the appropriation bills the right of way to-day, if he wishes to do so.

I wish to say in reference to my own speech that, first of all, it has not been a speech. It has been a presentation of certain evidence and a reference to certain laws on a matter of very great public consequence that is before the Senate and the country.

Furthermore, I call the Senator's attention to the fact that, so far as I am concerned, up to last Wednesday I had not occupied one moment of the time of the Senate at the present session. I think fully half of the time of the Senate has been taken up with a discussion of the Brownsville affair. Even in this case I had given notice of making my remarks to the Senate two weeks ago, and I did not do it at the request of the Senator from Iowa [Mr. DOLLIVER], who is the chairman of the committee having the bill in charge, and who was necessarily absent. After that there was the death of a member of this body and other things that interfered, which ran this matter over. The Senator will remember that the day when I expected to take the floor the appropriation bill was considered—

Mr. HALE. I am interested in what the Senator is saying. The Senator from Indiana will bear in mind that I do not propose to interfere with him.

Mr. BEVERIDGE. I do. I say I heartily agree with every word the Senator has said. I only want to call attention to the fact that the rather extended remarks which I am submitting are due to the importance of laying the full facts before the Senate.

Mr. HALE. I hope I shall be able later in the day to get up one of the appropriation bills. I shall try to do so.

Mr. BEVERIDGE. I am very much obliged to the Senator for his kindness.

MISSISSIPPI RIVER BRIDGE.

Mr. HOPKINS. I am directed by the Committee on Commerce, to whom was referred the bill (S. 7760) to authorize the

Albany Railroad Bridge Company or the Chicago and Northwestern Railway Company to reconstruct a bridge across the Mississippi River, to report it favorably with amendments, and I submit a report thereon. I ask unanimous consent for the immediate consideration of the bill.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment of the Committee on Commerce was, on page 2, to strike out all of section 2 in the following words:

SEC. 2. That for the purpose of carrying into effect the objects of this act said Albany Railroad Bridge Company or said Chicago and Northwestern Railway Company, and their successors and assigns, may receive, purchase, and also acquire by lawful appropriation and condemnation in the States of Illinois and Iowa, upon making proper compensation, to be ascertained according to the laws of the State within which the same is located, real and personal property and rights of property, and may make any and every use of the same necessary and proper for the enlargement of said existing bridge or for the construction, maintenance, and operation of the new bridge and approaches, consistently with the laws of the United States and of said States, respectively.

The amendment was agreed to.

The next amendment was, in section 3 (2) on page 2, line 20, after the word "That," to strike out the words "the privileges conferred hereunder shall cease" and insert "this act shall be null and void;" so as to read:

That this act shall be null and void unless the work of enlarging or replacing said bridge is begun within two years and is completed within five years from the date of the passage of this act.

The amendment was agreed to.

The VICE-PRESIDENT. The sections will be renumbered to correspond with the section stricken out.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

IMMIGRATION STATION AT NEW ORLEANS.

Mr. DILLINGHAM. I am directed by the Committee on Immigration, to whom was referred the bill (S. 7247) to provide for the establishment of an immigrant station at New Orleans, in the State of Louisiana, and the erection in said city, on a site to be selected for said station, of a public building, to report it favorably with amendments, and I submit a report thereon.

Mr. MCENERY. I ask for the present consideration of the bill just reported from the Committee on Immigration.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment of the Committee on Immigration was, in section 1, line 9, to strike out the words "Secretary of the Treasury" and insert in lieu thereof the words "Government of the United States;" so as to make the section read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to establish an immigration station at the city of New Orleans, in the State of Louisiana; and to cause to be erected on a site to be selected a public building to temporarily accommodate and care for immigrants arriving at said city: *Provided*, That the land and dock room necessary for said station and building be transferred to the Government of the United States free of any cost to the United States.

The amendment was agreed to.

The next amendment was, in section 2, page 1, line 12, to strike out the words "out of any money in the Treasury not otherwise appropriated" and insert in lieu thereof the words "which sum shall be paid from the permanent appropriation for expenses of regulating immigration."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 7773) for the relief of George M. Stackhouse, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. PLATT, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13895) to correct the naval record of Michael Sheehan;

A bill (H. R. 5651) for the relief of William H. Beall;

A bill (H. R. 14634) for the relief of George H. Chase;

A bill (H. R. 18380) to complete the naval record of Charles W. Held; and

A bill (S. 7163) to correct the naval record of Alfred Burgess.

Mr. MILLARD, from the Committee on Inter-oceanic Canals, reported an amendment proposing to appropriate \$1,500, to pay George R. Butlin, J. B. Haynes, and Ernst H. Djureen \$500 each for services rendered in the preparation of an analytical index to testimony taken before the Senate Committee on Inter-oceanic Canals, intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations, and be printed; which was agreed to.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom was referred the bill (S. 6906) to provide for the incorporation of banks within the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. KITTREDGE, from the Committee on Patents, to whom the subject was referred, reported a bill (S. 8190) to consolidate and revise the acts respecting copyright; which was read twice by its title.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. KITTREDGE. I am also directed by the committee to ask that 2,000 additional copies of the bill be printed for the use of the Senate.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMOOT, from the Committee on Claims, to whom was referred the bill (H. R. 9877) for the relief of James P. Barney, reported it without amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 19312) to authorize the Mingo-Martin Coal Land Company to construct a bridge across Tug Fork of Big Sandy River at or near mouth of Wolf Creek, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 7894) to amend an act entitled "An act to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostraver Township, Westmoreland County," approved March 14, 1904, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 24109) to authorize the Norfolk and Western Railway Company to construct sundry bridges across the Tug Fork of the Big Sandy River, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was recommitted the bill (H. R. 23218) to authorize the Kentucky and West Virginia Bridge Company to construct a bridge across the Tug Fork of Big Sandy River at or near Williamson, in Mingo County, W. Va., to a point on the east side of said river in Pike County, Ky., reported it without amendment.

Mr. BERRY. I am directed by the Committee on Commerce to whom was referred the bill (H. R. 21197) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, by extending the provisions of the first section thereof to the port of Brunswick, Ga., to report it favorably without amendment.

Mr. CLAY. I ask unanimous consent for the immediate consideration of the bill.

Mr. ALDRICH. I feel constrained to object to any unanimous consent being given in the present condition of the public business.

The VICE-PRESIDENT. Objection is made and the bill will be placed on the Calendar.

Mr. DICK, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7741) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Pay Clerk Walter Delafeld Bollard, United States Navy;

A bill (H. R. 18007) to authorize the appointment of Acting Asst. Surg. Julian Taylor Miller, United States Navy, as an assistant surgeon in the United States Navy;

A bill (S. 6447) to authorize the appointment of Acting Asst. Surg. George R. Plummer, United States Navy, as an assistant surgeon in the United States Navy; and

A bill (H. R. 22291) to authorize the reappointment of Harry McL. P. Huse as an officer of the line in the Navy.

Mr. DICK, from the Committee on Naval Affairs, to whom was referred the bill (S. 2400) to correct the naval record of Peter H. Brodie, alias Patrick Torbett, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the

bill (H. R. 7676) authorizing the appointment of Allen V. Reed, now a captain on the retired list of the Navy, as a commodore on the retired list of the Navy, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 264) to correct the naval record of Charles Specht, alias Charles Spaert; and

A bill (S. 1651) to correct the naval record of John Linsay.

Mr. NELSON, from the Committee on the Judiciary, to whom was recommitted the bill (H. R. 15434) to regulate appeals in criminal prosecutions, reported it with an amendment, and submitted a report thereon.

Mr. BACON, from the Committee on the Judiciary, to whom was referred the bill (S. 7812) to amend section 591 of the Revised Statutes of the United States, relative to the assignment of district judges to perform the duties of a disabled judge, reported it with an amendment and submitted a report thereon.

Mr. OVERMAN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6417) for the relief of T. J. H. Harris;

A bill (H. R. 9132) for the relief of the legal representatives of Benjamin F. Pettit;

A bill (H. R. 9131) for the relief of the legal representatives of Charles D. Southerlin;

A bill (H. R. 10595) for the relief of Nye & Schneider Company;

A bill (H. R. 9289) for the relief of the Mitsui Bussan Kaisha;

A bill (H. R. 6418) for the relief of T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894 and 1895; and

A bill (H. R. 10015) for the relief of the estate of Capt. Charles E. Russell, deceased.

SENATORS FROM OREGON AND KANSAS.

Mr. KEAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the contingent fund of the Senate to the Hon. John M. Gearin the sum of \$83.33, and to the Hon. A. W. Benson the sum of \$83.33, being the compensation of Senators of the United States for six days, January 23 to 28, 1907, during which they served as Senators from the States of Oregon and Kansas, respectively.

Mr. KEAN subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the foregoing resolution, reported it without amendment; and it was considered by unanimous consent, and agreed to.

BILLS INTRODUCED.

Mr. NELSON introduced a bill (S. 8191) relating to homestead entries in certain cases; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CULLOM introduced a bill (S. 8192) to remove the charge of desertion from the military record of Frederick A. Noeller; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 8193) granting an increase of pension to Edward E. Brown; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 8194) to amend the mining laws of the Philippine Islands; which was read twice by its title.

Mr. LODGE. I submit with the bill a letter from the Secretary of War, which I ask may be printed as a document and referred with the bill to the Committee on the Philippines.

The VICE-PRESIDENT. It will be so ordered.

Mr. LODGE. I desire also to say that the amendments to the existing law are printed in red ink, and I should like to have the bill printed so as to show the changes proposed.

The VICE-PRESIDENT. The bill will be printed so as to indicate the changes made in the existing mining law.

Mr. GALLINGER introduced a bill (S. 8195) granting an increase of pension to Asa E. Swasey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 8196) granting an increase of pension to Michael J. Geary; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. STONE introduced a bill (S. 8197) granting an increase of pension to Arabella J. Farrell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. RAYNER introduced a bill (S. 8198) for the relief of the

heirs of John D. Clemson; which was read twice by its title, and referred to the Committee on Claims.

Mr. CLARK of Montana introduced a bill (S. 8199) granting to the various States the lands owned by the United States within the limits thereof; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CLAY introduced a bill (S. 8200) to provide for an annual appropriation for branch agricultural experiment stations, and regulating the expenditures therefor; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. McENERY introduced a bill (S. 8201) granting an increase of pension to Clara A. Keeting; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 8202) granting an increase of pension to Manuel R. Sanchez; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 8203) to carry out the findings of the Court of Claims in the case of Hardy A. Brewington, administrator of Raiford Brewington, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 8204) granting a pension to Delphine F. Wright; and

A bill (S. 8205) granting a pension to Martha E. Doebler (with accompanying papers).

Mr. HEYBURN introduced a bill (S. 8206) for the relief of Elmore A. McKenna, late captain, United States Volunteer Signal Corps; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. McCUMBER introduced a bill (S. 8207) granting an increase of pension to Peter Wedeman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HANSBROUGH (by request) introduced a bill (S. 8208) authorizing the extension of Park place NW.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FULTON introduced a bill (S. 8209) granting an increase of pension to Ashley White; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McLAURIN introduced a bill (S. 8210) granting an increase of pension to Charles Martin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 8211) for the relief of the Medical College of Alabama, of Mobile, Ala.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. TILLMAN introduced a bill (S. 8212) granting a pension to Azella Mittag; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 8213) to authorize the St. Louis Electric Bridge Company, a corporation organized under the laws of the State of Illinois, to construct a bridge across the Mississippi River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DANIEL introduced a bill (S. 8214) granting a pension of James Bowman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McCREARY submitted an amendment proposing to appropriate \$2,000 to pay Mattie R. West, widow of Robert R. West, late deputy auditor of the Isthmian Canal Commission, being six months' salary at the rate he was receiving at the time of his death, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SIMMONS submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. TALIAFERRO submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. NELSON submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

BLOCK-SIGNAL SYSTEMS AND APPLIANCES.

Mr. CLAY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas on June 30, 1906, Congress passed a joint resolution directing the Interstate Commerce Commission to investigate and report on block-signal systems and appliances for the automatic control of railroad trains, directing an investigation and report on the use of and necessity for block-signal systems and appliances for the automatic control of railway trains in the United States; and

Whereas such investigation and report was directed in the interest of protecting human life and preventing accidents on railway trains: Therefore be it

Resolved, That the Interstate Commerce Commission be, and is hereby, directed—

First. To inform the Senate to what extent said investigation has been made.

Second. To transmit to the Senate such information as the Commission may have acquired on this subject.

Third. To inform the Senate whether it is wise to require railway companies to equip themselves with the automatic block-signal system.

Fourth. What length of time would be required to put in operation such system and the probable cost of the same.

Fifth. The number of deaths caused by accidents on railroads during the years 1900, 1901, 1902, 1903, 1904, 1905, and 1906, and to what extent, if any, the death rate can be diminished by the adoption of the automatic block-signal system.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. LATTI, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On January 23:

S. R. 80. Joint resolution authorizing the Secretary of War to furnish two 3-inch wrought-iron muzzle-loading cannon, with their carriages, limbers, and accessories, to the State of South Dakota.

On January 24:

S. 1236. An act to authorize payment to the Henry Philipps Seed and Implement Company for seed furnished to, and accepted by, the Department of Agriculture during the fiscal year 1902;

S. 1344. An act for the relief of John M. Burks; and

S. 4975. An act giving the consent of Congress to an agreement or compact entered into between the State of New Jersey and the State of Delaware respecting the territorial limits and jurisdiction of said States.

On January 25:

S. 350. An act for the relief of the heirs of Joseph Sierra, deceased;

S. 1648. An act for the relief of the Hoffman Engineering and Contracting Company;

S. 1933. An act for the relief of George T. Pettengill, Lieutenant, United States Navy;

S. 2262. An act for the relief of Pay Director E. B. Rogers, United States Navy;

S. 2964. An act for the relief of the L. S. Watson Manufacturing Company, of Leicester, Mass.;

S. 3574. An act for the relief of John H. Potter;

S. 3581. An act providing for the payment to the New York Marine Repair Company, of Brooklyn, N. Y., of the cost of the repairs to the steamship *Lindesfarne*, necessitated by injuries received from being fouled by the U. S. Army transport *Crook* in May, 1900;

S. 3820. An act for the relief of Eunice Tripler;

S. 3923. An act to reorganize and to increase the efficiency of the artillery of the United States Army;

S. 4926. An act for the relief of Etienne De P. Bujac;

S. 4948. An act for the relief of W. A. McLean;

S. 5375. An act for the relief of Maj. Seymour Howell, United States Army, retired;

S. R. 13. Joint resolution authorizing the Secretary of War to award the Congressional medal of honor to Roe Reisinger;

S. 319. An act to reimburse Abram Johnson, formerly postmaster at Mount Pleasant, Utah;

S. 505. An act for the relief of Jacob Livingston & Co.;

S. 538. An act for the relief of Charles T. Rader;

S. 1169. An act for the refund of certain tonnage duties;

S. 1068. An act for the relief of the administrator of the estate of Gotlob Groezinger;

S. 2724. An act for the relief of Delia B. Stuart, widow of John Stuart;

S. 5446. An act for the relief of John Hudgins;

S. 6166. An act for the relief of Edwin S. Hall;

S. 6299. An act for the relief of Pollard & Wallace; and

S. 6898. An act concerning licensed officers of vessels.

On January 26:

S. 4348. An act for the relief of Augustus Trabing;

S. 4860. An act for the relief of Peter Fairley;

S. 1218. An act for the relief of Louise Powers McKee, administratrix; and

S. 4563. An act to prohibit corporations from making money contributions in connection with political elections.

On January 28:

S. 2368. An act for the relief of the Postal Telegraph Cable Company;

S. 503. An act to reimburse James M. McGee for expenses incurred in the burial of Mary J. De Lange; and

S. 4423. An act providing for the donation of obsolete cannon, with their carriages and equipments, to the University of Idaho.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

H. R. 129. An act for the opening of a connecting parkway along Piney Branch, between Sixteenth street and Rock Creek Park, District of Columbia;

H. R. 9326. An act for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street;

H. R. 12690. An act to define the term of "registered nurse" and to provide for the registration of nurses in the District of Columbia;

H. R. 14897. An act to protect the streets of the city of Washington;

H. R. 21684. An act to amend section 2 of an act entitled "An act regulating the retent on contracts with the District of Columbia," approved March 21, 1906;

H. R. 22350. An act to authorize the recorder of deeds of the District of Columbia to recopy old records in his office, and for other purposes;

H. R. 23384. An act to amend an act entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia,' regulating proceedings for condemnation of land for streets;"

H. R. 23830. An act governing the maintenance of stock yards, slaughterhouses, and packing houses in the District of Columbia;

H. R. 23940. An act for the extension of Albemarle street NW., District of Columbia;

H. R. 23941. An act to amend section 14 of the act approved July 29, 1892, entitled "An act for the preservation of the public peace and the protection of property within the District of Columbia;"

H. R. 24746. An act for free lectures;

H. R. 24932. An act for the extension of School street NW.;

H. R. 17212. An act to amend an act to incorporate the Supreme Lodge of the Knights of Pythias, was read twice by its title, and referred to the Committee on the Judiciary; and

H. R. 25013. An act granting to the regents of the University of Oklahoma section No. 36, in township No. 9 north, of range No. 3 west, of the Indian meridian, in Cleveland County, Okla., was read twice by its title, and referred to the Committee on Public Lands.

RELIEF OF STOCK NEAR FORT ASSINNIBOINE.

Mr. CARTER. The joint resolution (H. J. Res. 231) authorizing the Secretary of War to sell certain hay, straw, and grain at Fort Assiniboine, which has just come to the Senate from the House presents an emergency case, and I desire briefly to state the facts.

The joint resolution proposes to grant to the Secretary of War the right to sell certain hay and fodder at Fort Assiniboine reservation to the owners of stock. By the recent storm a very large number of cattle have been driven against the fences on this reservation. A Member of the House states that fifteen to twenty thousand head of cattle are now on the edge of the reservation in a state of starvation. The Government has a surplus of hay at that point, and the joint resolution proposes to authorize the Secretary of War to sell that surplus to the stockmen for the preservation of the stock.

I have consulted a majority, I believe, of the members of the Committee on Military Affairs, and with their assent I ask that the joint resolution may be laid before the Senate and that it may now be put upon its passage.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent for the present consideration of a joint resolution, which will be read for the information of the Senate.

The joint resolution was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to cause to be sold within the next three months to the citizens of Montana, at its actual cost to the United States at place of sale, such limited quantities of hay, straw, and grain for domestic uses as, in his judgment, can safely be spared from the stock provided for the use of the garrison at Fort Assiniboine, Mont.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without

amendment, ordered to a third reading, read the third time, and passed.

EMPLOYMENT OF CHILD LABOR.

Mr. BEVERIDGE. I ask the Chair to lay before the Senate the bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia.

The VICE-PRESIDENT. The Chair lays before the Senate the bill indicated by the Senator from Indiana.

Mr. BEVERIDGE. Mr. President, valuable as time is, and anxious as I am to continue and conclude, I purpose to take five minutes for the reading of some additional definite affidavits respecting certain States, from which affidavits have not been presented. In doing this, I wish to state to the Senate that they are only samples of a large number of others, all to like effect. Since I can read them very much more quickly than the Secretary can read them, I shall read them myself.

I call the particular attention of the Senator from Tennessee [Mr. CARMACK] as well as that of the Senator from South Carolina [Mr. TILLMAN] to the first affidavit which I shall read although it has already been introduced. It will stand another reading, and many readings. It is as follows:

UNITED STATES OF AMERICA, District of Columbia, ss:

Personally appeared before me this day A. J. McKelway, who on oath says that in December, 1905, he was on board a train going from Knoxville, Tenn., to Spartanburg, S. C.; that he saw on board the train an immigration agent of an immigration association of South Carolina, who was in charge of a company of about fifty people bound for the cotton mills of South Carolina, whom the agent had induced to leave their homes in western Tennessee; that the agent told him that he had made seven "shipments" of these people for the cotton mills from Newport, Tenn., averaging fifteen to the "shipment"; that seven more "shipments" had gone from Cleveland, Tenn., that there were several agents at work besides himself, and that he had shipped personally about 500 people to the cotton mills; that he, A. J. McKelway, talked with some of the children in the company; that Harrison Swan said that he was "going on" 10 years of age and was going to work in the Four Mills, at Greenville, S. C.; that Charley Matthews and a little fellow with him of the same size said that they were about 9 years of age and were going to work in the mills; that the agent told him that there were a plenty of children 6 and 8 and 10 years of age in the South Carolina mills, because their parents lied about their ages; that in the summer of 1905 the Rev. Mr. Abernethy, a Methodist minister living at Clyde, in western North Carolina, told him, A. J. McKelway, that 1,500 people had taken the train at Clyde for the South Carolina cotton mills during the preceding year.

A. J. MCKELWAY.

Subscribed and sworn to before me this 22d day of January, 1907.
[SEAL.]

EDGAR L. CORNELIUS,
Notary Public, District of Columbia.

I also call the attention of the Senator from Georgia [Mr. BACON] to the following affidavit:

UNITED STATES OF AMERICA, District of Columbia, ss:

Personally appeared before me A. J. McKelway, who, on oath, says that on May 21, 1905, accompanied by a friend of his, he visited the Exposition Mills of Atlanta. The day being Sunday, the children were not at work in the mill; that the names and ages of the following children were secured from their testimony as to their own ages and the ages of their companions who were at work in the mill: That John Chitwood says he was 10 years old on March 1, and had been working in the mill about two years; Ernest Eton, 13 on May 6, and had been working for two years; Lily Chitwood, 9 years old, and had been working about one year; Maggie Parr, is 11 years old, and had been working in the mill two years; L. S. Sharpton, 13 years old, and had been working in the mill one and one-half years; Clyde Kennington, 10 years old, and had just begun to work in the mill; Noah McWilliams, 14 years old, and worked in the mill; Willie Jones, 9 years of age, and had been working nine months; Will Moony, 12 years old, and had been at work in the mill three years; Liz Kelly, 9, and worked in the mill; that Grover Warren was a little girl 7 years old, who had been working in the mill for five months; that Harper Fortner was 10 years old, and had been working in the mill about two years; that Horeb Dodson, 8 years old, had been working in the mill about three months; that Earl Sword, about 8 years of age, had been working in the mill six months; that Cliff Torbush, about 10 years old, had been working in the mill about two years; that Ned Chandler, 9 years of age, had been working in the mill about two years; that Clarence Carson, 9 years old, had been working in the mill 8 months, and that his father beat him if he did not work; that Jambo Parker, 9 years old, had been working in the mill nine months; that Pearl Southerland, about 8 years of age, had been working in the mill six months; that Fred Jeter, 9 years old, had been working in the mill six months; that Susie Simms, about 10 years of age, had been working in the mill for four months; that Son Baldwin, about 9, had been working in the mill about eight months; that Arthur Stewart, about 8 years of age, had been working for about six months; that Oscar Sells was not over 8 years old, and that he and his younger brother, Jack, worked in the mill; that Orbert Dodson, 9 years old, had been working in the mill some time; that Mary Owen, 8 years old, was at work in the mill; that Vivian Fortinberry, 8 years old, had been working in the mill for one week.

That he, A. J. McKelway, was informed by one of the stockholders of the Exposition Cotton Mills, in 1906, that a dividend of 48 per cent had been recently declared, and that this was not an unusual dividend.

A. J. MCKELWAY.

Subscribed and sworn to before me this 22d day of January, 1907.
[SEAL.]

EDGAR L. CORNELIUS,
Notary Public, District of Columbia.

Those were the mills that were employing children 6 and 7 years old. This is the "isolated" abuse by the "best people," with whom the Senator from Georgia is on such loving terms.

I further call the attention of the Senator from Georgia to

the two following affidavits, merely because the statement was made yesterday that the great mass of testimony presented was only as to "sporadic" and "occasional" instances:

UNITED STATES OF AMERICA, District of Columbia, ss:

Personally appeared before me, a notary public, A. J. McKelway, who, on oath, says that the Gate City Cotton Mills and the Exposition Cotton Mills, mentioned in other affidavits, signed by A. J. McKelway, are members of the Georgia Industrial Association, and were under the obligations of an agreement—

This is the "gentlemen's agreement," to which I referred yesterday—

not to employ children under 12 years of age unless they were orphans or the children of dependent parents or could read and write or had attended school the preceding year, and not to employ children under 12 years of age under any circumstances; that Mr. Samuel A. Carter, president of the Gate City Cotton Mills was made chairman of an investigating committee to discover whether there were any children in the Georgia cotton mills employed in violation of the said agreement, which had been made by the manufacturers in lieu of legislation; that Mr. Charles Tuller, one of the officials of the Exposition Cotton Mills, challenged in the public prints the citation of any instance of the violation of these rules; and that in spite of this agreement of the manufacturers not to employ children as specified, it was a matter of common knowledge that the agreement was violated in a large number of the cotton mills.

A. J. MCKELWAY.

Subscribed and sworn to before me this 23d day of February, 1907.
[SEAL.]

HERBERT A. GILL,
Notary Public, Washington, D. C.

Here are two others [exhibiting]; but I wish to hasten, and shall not now stop to read them. They are only samples, Mr. President and Senators, of a large number of others which prove that this is the universal and not the "isolated" case.

Now I call the attention of the Senator from Virginia to the following affidavit:

UNITED STATES OF AMERICA, District of Columbia, ss:

Personally appeared before me, a notary public, F. C. Roberts, who on oath says that in February, 1906, he was in Winchester, Va., in the interests of organized labor, and that he went at the noon hour to a large woolen mill and a knitting mill in Winchester, and that he saw the operatives coming out of the mills for their midday meal; that there were a large number of children employed under 14 and quite a number under 12, to all appearances; that at the same hour a large number of negro children—

I wish to call the attention of Senators on the other side of the Chamber to this statement. It is the affidavit to which I called attention yesterday, which shows that whereas the children of the white working class of the South are going into the mills, the children of the negroes are going into the schools. So he goes on to state that at the same hour when he saw these white children coming out of the mill, he saw a large number of negro children coming out of a large negro school.

at the same hour a large number of negro children came out of a large negro school near by for recess; and that the contrast was noticeable in the particular that the negro children were playing and snowballing each other on their way home, while the white children employed in the mills were hurrying with anxious faces to their lunch, so as to return to the mill in time; and that he found the same conditions to exist in a number of towns in the South where textile establishments were located.

F. C. ROBERTS.

Sworn to and subscribed before me this 26th day of January, 1907.
[SEAL.]

WM. A. EASTERDAY,
Notary Public, District of Columbia.

There is one way to solve the race question—keep the white children in the schools as well as the negroes. I call the attention of the Senator from North Carolina [Mr. OVERMAN], who has so valiantly defended the law of that State and attacked any method of stopping the evil all over the country, to the following affidavit, and will supply any number of additional ones that may be demanded:

NORTH CAROLINA.

UNITED STATES OF AMERICA, District of Columbia, ss:

Personally appeared before me, a notary public, F. C. Roberts, who on oath says that in March, 1906, being in Salisbury, N. C., representing the American Federation of Labor, he visited a cotton mill on the outside of the town, called, to the best of his knowledge and belief, the "Salisbury cotton mills;" that he went through these mills and noted carefully the size and ages of the employees; that there were very few adults employed in the mills; that in the spinning department 90 per cent of the employees were children from 7 to 12 years of age, to all appearances; that these children were compelled to work at and about machinery dangerous to life and limb; that many of them had lost a finger or two from the machinery that they were compelled to handle, and that several of them had bandaged fingers; that one of the children, when asked how long they worked, said that they were compelled to work eleven hours a day; that in appearance they were pallid faced, hollow chested, and with emaciated limbs; that one of the children, when asked if they ever attended school, said that the only chance they had was at night.

F. C. ROBERTS.

Sworn to and subscribed before me this 26th day of January, 1907.
[SEAL.]

WM. A. EASTERDAY,
Notary Public, District of Columbia.

Mr. OVERMAN. Who is it that makes that affidavit?

Mr. BEVERIDGE. The affidavit states that it was "subscribed and sworn to before me this 26th day of January, 1906," and it is signed by F. C. Roberts.

Mr. OVERMAN. Can the Senator tell me who F. C. Roberts is?

Mr. BEVERIDGE. Yes. I think F. C. Roberts is the man who made the same affidavit concerning the cotton mill over in Virginia that I have referred to.

Mr. OVERMAN. But who is F. C. Roberts, I should like to know?

Mr. BEVERIDGE. The Senator will find out.

Mr. OVERMAN. You introduce him here as a witness.

Mr. BEVERIDGE. I do. And further the Senator has asked me a question, and he must keep still until I answer it.

F. C. Roberts, as I understand, is a representative of the American Federation of Labor. I think in fact he says he represents the American Federation of Labor and that he went upon that business for the investigation of this cotton mill. I will say to the Senator further that I think the Senator is pretty well acquainted with Dr. A. J. McKelway.

Mr. OVERMAN. I am.

Mr. BEVERIDGE. He is a citizen of your own State.

Mr. OVERMAN. Does he make that affidavit?

Mr. BEVERIDGE. No; he does not; but he makes some other affidavits, and if I had more time this morning I would present a large number of them. I shall, anyhow, under the head of law violations, to which I referred yesterday.

Mr. OVERMAN. Did Doctor McKelway make any affidavit in reference to that mill?

Mr. BEVERIDGE. Here is one, and I think—

Mr. OVERMAN rose.

Mr. BEVERIDGE. If the Senator will pardon me a minute, I think I have some in my committee room.

Mr. OVERMAN. I want to state that I know something about this mill.

Mr. BEVERIDGE. Go ahead.

Mr. OVERMAN. It is located in my own town, and I do not believe at the present time—I do not know the date of that affidavit as to when that happened—

Mr. BEVERIDGE. In March, 1906.

Mr. OVERMAN. I do not believe there is a word of truth in it. I have been at that mill, but I do not have any interest in it. I have never seen or heard of any such conditions. I think it is one of the best conducted mills in the country. I know they have one of the most beautiful school buildings and a fine school there carried on by the factory. The superintendent is an elder in the Presbyterian Church, and one of the best men I think I have ever known in my life, who has been very careful with the children. It is his rule to see that all those children who work in the mill are educated. If all of the affidavits offered by the Senator are as exaggerated as this I shall have good reason to doubt them all. I hope this is not the character of them all.

Mr. BEVERIDGE. I can not permit the Senator, in view of the time at my disposal, to take any more of my time.

Mr. OVERMAN. I think—

The VICE-PRESIDENT. The Senator from Indiana declines to yield further.

Mr. BEVERIDGE. If the Senator wants to make a speech, I do decline; but if he wants to ask a question I will answer it.

Mr. OVERMAN. I am not going to make a speech. I am just stating what I know about that particular mill.

Mr. BEVERIDGE. The Senator may do so in his own time.

The VICE-PRESIDENT. The Senator from Indiana objects to further interruption.

Mr. BEVERIDGE. I will answer any question, but I can not yield, in view of the length of time at my disposal, for a speech to be inserted in the midst of my remarks.

I wish to state further in this connection, since this has been questioned, that he says "to the best of his knowledge and belief" it is the Salisbury Cotton Mills, and I have no doubt it is the Salisbury Cotton Mills. But Mr. Roberts says he does not know; he believes so. But no matter what the name of the mill is. Mr. Roberts saw these children and swears to it; there's no mistake about the children, and that is the important thing.

Mr. OVERMAN. I did not hear the Senator.

Mr. BEVERIDGE. I am talking as loud as I can. The Senator must pay more attention, because I must get on.

Mr. OVERMAN. I am trying to pay attention.

Mr. BEVERIDGE. I will say further, as I have said two or three times before, that any amount of sworn testimony that Senators call for will be furnished as this debate proceeds. Notwithstanding the enormous amount which I have, I can say to the Senator that what I have presented is only the beginning.

That was an affidavit as to North Carolina. Now I present one on Alabama conditions:

ALABAMA.

UNITED STATES OF AMERICA, District of Columbia, ss:

Personally appeared before me A. J. McKelway, who on oath says that in the fall of 1905 he visited a mill in Alabama whose name he prefers not to give; that he saw at least thirty children in the spinning room of that mill who seemed to be under 12 years of age; that one little girl testified to being 9 years of age, and that she was considerably larger than many children who were seen at work in that mill.

A. J. MCKELWAY.

Subscribed and sworn to before me this 22d day of January, 1907.

[SEAL.]

EDGAR L. CORNELIUS,

Notary Public, District of Columbia.

And another, on South Carolina conditions:

SOUTH CAROLINA.

UNITED STATES OF AMERICA, District of Columbia, ss:

Personally appeared before me, a notary public, A. J. McKelway, who on oath says that during the month of April, 1905, he, in company with Mr. Edward T. Devine, Mr. V. E. Macy, of New York, and others, visited the Olympia cotton mills at Columbia, S. C., under a former management; that he saw a large number of children at work, in the spinning room especially, and some in the weaving department; that there were at least fifty children in the spinning room who appeared to be under 12 years of age; that one little girl told him that she was 8 years of age, and judging from the comparative sizes there were several children not over 6 years of age.

A. J. MCKELWAY.

Subscribed and sworn to before me this 22d day of January, 1907.

[SEAL.]

EDGAR L. CORNELIUS,

Notary Public, District of Columbia.

And still another, on Florida conditions:

FLORIDA.

UNITED STATES OF AMERICA, District of Columbia, ss:

Personally appeared before me, a notary public, A. J. McKelway, who on oath says that in March, 1905, he visited some of the cigar factories of Tampa, Fla.; that the number of young children employed in these factories was small as compared to the number in cotton mills, but that at least twenty children were seen who seemed to be 12 years old and under and double that number who seemed to be under 14.

A. J. MCKELWAY.

Subscribed and sworn to before me this 22d day of January, 1907.

[SEAL.]

EDGAR L. CORNELIUS,

Notary Public, District of Columbia.

Mr. President, I hold in my hand a large number of similar affidavits, and I will say to the Senator from North Carolina that I had handed me—and I have now in my office and will insert in the RECORD—a statement of the mill owners of North Carolina before the committee of the legislature of that State in resisting what is known as the McKelway bill at the last legislature, in which resistance they were successful.

[These affidavits here referred to are inserted under the head of "Nonenforcement of State laws" in an earlier portion of Senator BEVERIDGE's remarks.]

Mr. OVERMAN rose.

Mr. BEVERIDGE. Pardon me a moment. I shall, if this debate goes on, put in the RECORD a statement by the authorities themselves—the labor commission—showing that mill owner after mill owner said he thought children under 12 years of age ought to be employed.

Mr. OVERMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from North Carolina?

Mr. BEVERIDGE. I do, for a question.

Mr. OVERMAN. I am not denying any of the facts contained in the affidavits, because I know nothing about them, except one affidavit as to a mill in the town in which I live, the facts regarding which are within my own knowledge.

Mr. BEVERIDGE. The Senator has said that twice.

Mr. OVERMAN. Therefore I do not want the Senator to refer me to other testimony that may be introduced, but if all the affidavits are like the affidavits produced there I have some doubt about them, although I admit the evil.

Mr. BEVERIDGE. The Senator has impressed that upon the minds of the Senate by repeated statements; so it is between the Senator, now, and the people who make the affidavits.

THE NATIONAL CHILD-LABOR COMMITTEE.

I wish to say right here something that the Senator can bear me out in. Three of these affidavits and many others are made by Dr. A. J. McKelway. I think his residence is in North Carolina. He is a southern man and is the publisher of a paper called "The Presbyterian." He is a young man. He is the agent or in the employ of the National Child Labor Committee. It is because of this and because of his enthusiasm in this work—and as to his character and standing and purity and truthfulness and great ability every Senator from the South can testify—that he has made these investigations and these affidavits.

Mr. President, it is appropriate here to say that the National Child Labor Committee has done more than all other forces in this country to stop this evil. For years it has been at work. Its members are not sentimentalists, they are practical men of

affairs. They include such business men as Isaac Seligman, the eminent New York financier; Mr. Warburg, of Kuhn, Loeb & Co.; men like Mr. Macy, of New York. They include such scholars and publicists as Doctor Lindsey, Dr. Felix Adler, and Mr. Devine, whose names are known to the entire country and to the entire educational world.

THE KIND OF MEN WHO SUPPORT THIS BILL.

Some of those men, Mr. President, as I said the other day, are the most ardent and certainly and without doubt the most learned "State rights" men in this Republic. Dr. Felix Adler is an example, and yet years of study and years of investigation have convinced them that it is impossible for the States, acting separately, to stop these evils.

The new law of Georgia would never have been passed, the one in North Carolina would never have been passed, but for the activity of this great, splendid, militant organization of righteousness called the National Child-Labor Committee. The executive committee of this great organization, Mr. President, after a very careful discussion, lasting hours at each meeting for two meetings, passed a resolution indorsing *this particular bill*.

The national child-labor convention of Cincinnati, where 4,000 people from all over this country, including among them some of the best lawyers in the land, as well as some of the best business men in the land, adopted the same resolution.

Before this debate is through I shall show the Senate where the same thing has been done by other great organizations, such, for instance, as the most powerful educational organization in this country, the State Teachers' Association of Nebraska, which passed a resolution definitely indorsing *this particular bill* and earnestly requesting their Senators and Representatives in Congress to support it.

Upon that subject I might stop before I resume the legal portion of this argument and say to Senators on the other side that the man who will be your next standard bearer in the next Presidential contest—William Jennings Bryan—has also, and with all his heart, indorsed *this particular bill*. To those on this side of the Chamber I say that the great man who is now President of the United States is for *this particular bill* with all his heart. So it is not merely the work of "sentimentalists" or of men who have given their lives to learning that I look for comfort and support. I am proud of all this support, and yet I am far more strengthened by the volume of testimony that pours in upon me from the people.

But, of course, the "people" don't amount to anything. "What do the people know about the Constitution?" say the opponents of this bill. When I cited Dr. Felix Adler to a learned Senator the other day as a supporter of this bill—and Doctor Adler is a man celebrated all over the entire world of learning for his accomplishments—I was met with this convincing reply: "Doctor Adler! What does he know about the Constitution? He is not a lawyer."

Nobody knows about the Constitution but certain "lawyers," it seems, although the Constitution was made for the people, was "adopted by the people at the polls," as Marshall declares, and is supposed to be anything but mysterious. Yet even a celebrated scholar like Doctor Adler can't possibly understand the Constitution, because he, with all his learning, is "no lawyer," according to some who will try to kill this bill here in the Senate.

Mr. CARMACK. May I interrupt the Senator?

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. I do.

Mr. CARMACK. The Senator from Indiana says that the gentleman who will be the next standard bearer of the Democratic party indorses this bill. I want to know what the gentleman who will be the next standard bearer of the Republican party thinks about it. [Laughter.]

Mr. BEVERIDGE. My dear [laughter]—Mr. President, the relations between myself and the Senator from Tennessee are so tender that we usually call each other "old man," "my dear boy," and other terms of affection, into which I was about to fall.

The Senator from Tennessee, Mr. President, wants to know a great many things, and I am not going to tell him. He is a curious-minded man. I do not blame him for that, and that is undoubtedly the origin of some of the Senator's attractiveness and brilliancy, and no Senator in this body has more of either.

CONSTITUTIONALITY OF THE LAW. II.

Mr. President, I think it perhaps will be more convenient to me to make a résumé of the legal part of the discussion which I made yesterday. It will occupy perhaps a minute or two.

Yesterday I referred to what all lawyers know as to what

was the occasion for the adoption of the Constitution. If it had not been necessary to put in the commerce clause, I doubt very much whether the Constitutional Convention would ever have been called. At that time the words "regulate commerce" were in twenty-seven acts then existing of the British Parliament, with which the framers of the Constitution were familiar. In every one of those acts the words "regulate commerce" included the meaning of "prohibition," and as soon as the Constitution was adopted this understanding was acted upon by the Congress in passing the embargo laws, which absolutely prohibited certain commerce with foreign nations.

As soon as this question came up, as it did indirectly in *Gibbons v. Ogden*, that great jurist and statesman, John Marshall, held that that was absolutely within the power of Congress; and very early, in the case of *United States v. Coombs*, the Supreme Court, in passing upon the scope of this clause—it was then a subject under great discussion—said that it might include anything not definitely connected with commerce if it could be invoked for that purpose, as, for example, the power of Congress to pass a law making it a criminal offense to take a trunk that had been washed up from a ship, if it were above high water. In that opinion, Senators will remember, the court said that it involved unquestionably the power to prohibit the transportation of articles; although perhaps that is obiter dictum.

In the case of *United States v. Marigold* the question was definitely met and decided, so far as importations were concerned, and in the case of *United States v. Forty-Three Gallons of Whisky* the court definitely held that the power of Congress over commerce among the Indian tribes—which is precisely the same as the power of Congress over the States—included the power to prohibit the introduction of whisky, not only into the Territory where Indian tribes were located, but into a State that was near that Territory, where one drink of it might be sold to one Indian. No person has gone any further—no case could go further.

THE BRIGANTINE WILLIAM CASE.

Mr. President, I have here Thayer's Cases on Constitutional Law. In 1808 a case was decided which is so important and so historic a case that it is included in his two great volumes. It is *United States v. Brigantine William*. That is the only case, I believe, in either the district or circuit courts of the United States or the Supreme Court where the constitutionality of the embargo laws was ever questioned. The court sustained their constitutionality, and I will call the attention of the Senator from Rhode Island to the fact that it was sustained, *not under the taxing power*, not under the war power, but *exclusively under the commerce clause*. The court says:

"Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes."

Such is the declaration in the Constitution. Stress has been laid in the argument on the word "regulate," as implying in itself a limitation. Power to regulate, it is said, can not be understood to give a power to annihilate. To this it may be replied that the acts under consideration, though of very ample extent, do not operate as a prohibition of all foreign commerce.

It will be admitted that partial prohibitions are authorized by the expression; and how shall the degree or extent of the prohibition be adjusted but by the discretion of the National Government, to whom the subject appears to be committed?

I want to stop right here and ask this: Whence came such power as we have over interstate commerce and foreign commerce? From the delegation of that power by the States to the Nation, did it not? Did it come from any other source?

Very well, now. What power did the States have when they made this delegation to the Federal Government? As I shall show by direct quotations in a moment, that they had *absolutely sovereign power*, does anybody question that the States, under the Articles of Confederation, could prohibit commerce and do anything that they pleased, and that they were not sovereign and supreme?

Well, then, what became of that power? They delegated it to the Federal Government. That is the source. Does the Senator from Rhode Island question that? If he does, the Senator from Rhode Island is in a quarrel with the Supreme Court upon that question. How much did they keep for themselves?

Mr. ALDRICH. They delegated the "power to regulate."

Mr. BEVERIDGE. Certainly.

Mr. ALDRICH. And nothing else.

Mr. BEVERIDGE. It has been definitely decided what "regulate" means. Here is now one of the cases that decides it. I quote from the same case:

Besides, if we insist on the exact and critical meaning of the word "regulate," we must, to be consistent, be equally critical with the substantial term "commerce." The term does not necessarily include shipping or navigation.

This great jurist, who sat upon the Massachusetts Federal bench, anticipated all that is going through the mind of the

Senator from Rhode Island. If you limit the word "regulate" by the same rules, you have got to limit the word "commerce," which it qualifies. Where would that lead the Senator? It would exclude navigation. That court goes on to point out:

Much less does it include the fisheries. Yet it never has been contended that they are not the proper objects of national regulation, and several acts of Congress have been made respecting them.

It may be replied that these are incidents to commerce and intimately connected with it, and that Congress, in legislating respecting them, act under the authority given them by the Constitution to make all laws necessary and proper for carrying into execution the enumerated powers.

Let this be admitted, and are they not at liberty also to consider the present prohibitory system as necessary and proper to an eventual beneficial regulation? I say nothing of the policy of the expedient. It is not within my province. But on the abstract question of constitutional power I see nothing to prohibit or restrain the measure.

So we see the Senator's view of what the word "regulate" means was anticipated and settled just exactly ninety-nine years ago this year. Then the court proceeds a little further:

It was perceived that under the power of regulating commerce Congress would be authorized to *abridge* it in favor—

How "*abridge*?" What for, "*abridge*?"

of the great principles of humanity and justice.

Hence the introduction of a clause in the Constitution so framed as to interdict a prohibition of the slave trade until 1808. Massachusetts and New York proposed a stipulation that should prevent the erection of commercial companies with exclusive advantages.

It has been said in the argument that the large commercial States, such as New York and Massachusetts, would never have consented to the grant of power relative to commerce, if supposed capable of the extent now claimed. On this point, it is believed, there was no misunderstanding. The necessity of a competent National Government was manifest. Its essential characteristics were considered and well understood; and all intelligent men perceived that a power to advance and protect the national interests necessarily involved a power that might be abused.

The question of the *abuse* of the power, which is the only argument made against this bill that I have heard, and I have heard about all of them, I shall discuss pretty fully in a moment.

It is not necessary for me to read the opinion in the Forty-three Gallons of Whisky case or the Rahrer case, because I read those yesterday.

THE ADDYSTON PIPE CO. CASE.

The next case to which I wish to call the attention of the Senate is The Addyston Pipe Company v. United States (175 U. S.), and I read briefly from page 228. I am showing now the tremendous scope of this power of Congress over commerce has been held by the Supreme Court to mean the *prohibition* of anything. In this case it was held that the Sherman antitrust law, which *prohibited* the making of a contract, was entirely constitutional, although that part of it, as all lawyers will remember, was the point on the case which was bitterly fought. The court said:

The reasons which may have caused the framers of the Constitution to repose the power to regulate interstate commerce in Congress do not, however, affect or limit the *extent* of the power itself.

This was said because the question had been asked of the court, the main question had been asked of the court that is so often asked here in debates upon legal questions that are very close, "What was the *intention* of the framers?" "Did the framers intend this?" "Did the framers intend that?" As a matter of course, the framers never foresaw steam or electricity. The framers never anticipated the telegraph. The framers did not anticipate the Interstate Commerce Commission. The Supreme Court says that what may have been the *purpose* has nothing to do with the *limit* of the power.

The court goes on:

In *Gibbons v. Ogden* (supra) the power was declared to be complete in itself, and to acknowledge no limitations other than are prescribed by the Constitution.

Under this grant of power to Congress that body, in our judgment, may enact such legislation as shall declare void and *prohibit* the performance of any contract between individuals or corporations where the natural and direct effect of such a contract will be, when carried out, to directly, and not as a mere incident to other and innocent purposes, regulate to any substantial extent interstate commerce. (And when we speak of interstate—

I call the attention of the Senator from Rhode Island to the fact that I am coming back to this—

we also include in our meaning foreign commerce.)

Mr. KEAN. What is the volume?

Mr. BEVERIDGE. One hundred and seventy-five United States—the Addyston Pipe Company case. The Senator is familiar with it.

Mr. KEAN. Yes.

Mr. BEVERIDGE. Now I come to the most important case upon this subject that the Supreme Court has ever decided, though no wider perhaps than the Forty-three Gallons of Whisky case, no wider perhaps than the Rahrer case, and of course everybody knows that it is the Lottery case.

THE LOTTERY CASE.

About 1895 or 1896—the Senator from Rhode Island [Mr. ALDRICH] ought to know, for he was here at the time—Congress passed a law *prohibiting* the transportation of lottery tickets by carriers of interstate commerce. A law had already been passed excluding them from the mails under the post-office and post-roads clause. But it was not effective for the simple reason that the lottery companies used the express companies to scatter the lottery tickets throughout the country.

A law was passed—and I have here the debates upon the subject—*prohibiting* the transportation of lottery tickets by carriers of interstate commerce. None of the other laws that have been passed—and I shall at length call the attention of the Senate to such laws now on the statute books—have been questioned so far as their constitutionality is concerned, even though they are the laws definitely *prohibiting* the transportation of articles by carriers of interstate commerce; for in those cases no great industry and no great business was profiting by the business in the thing prohibited.

But in the Lottery case there was an immense institution, richly profiting by that business.

The law was very fiercely resisted. I think, with the exception of the Legal Tender cases, the Dartmouth College case, *Gibbons v. Ogden*, and *McCulloch v. Maryland*, there never have been any cases in the Supreme Court which were more ably conducted before that great tribunal, or with more desperate determination, or with greater learning than the Lottery case.

Not only did the attorneys employed by the lottery companies see their clients' interest in preserving their unholy business, but the attorneys employed, who were very able men indeed, saw the tremendous scope of the decision upon the question there raised. They understood thoroughly that the Supreme Court's decision would be as epochal as in *McCulloch v. Maryland*—that it would make history.

Mr. McCUMBER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from North Dakota?

Mr. BEVERIDGE. Gladly.

Mr. McCUMBER. The Senator, of course, understands that I am decidedly favorable to his bill, and it is because I wish to have removed this wall of doubt that has surrounded me all the time as to our constitutional power to enact the legislation which the Senator is so earnestly supporting that I venture these suggestions.

Were not all of those cases to which the Senator refers cases in which the commodity was held practically not to be a commercial commodity—commodities the use of which were declared to be against public policy, or the dissemination of which would be against the interests of the people?

Mr. BEVERIDGE. I understand the Senator's point.

Mr. McCUMBER. The reason I ask the question is this: I have always understood that under the privilege and immunity clause of the Constitution every person had an inherent right to go from one State to another himself and had a right to bring any property that he possessed.

Mr. BEVERIDGE. May I interrupt the Senator? The right to which the Senator refers, the right to go from one part of the Republic to another, does not flow from any provision of the Constitution. That was directly decided in *Crandall v. Nevada*, where seven judges decided that it was an inherent right of citizenship, depending on no clause of the Constitution whatever, and two judges that it was a matter of interstate commerce.

Mr. McCUMBER. I have read that decision. It is an inherent right the exercise of which Congress itself could not prohibit. I want to call the Senator's attention to six lines in a text-book upon the subject by E. P. Prentice and J. G. Egar on the Commercial Clause of the Federal Constitution.

Mr. BEVERIDGE. I gladly yield.

Mr. McCUMBER. The authors state the general rule bearing upon the right of Congress itself to make a prohibition against interstate commerce, and draw the distinction between the powers as relating to interstate commerce and the powers of Congress over foreign commerce. In treating of this the authors state—

Over interstate commerce no such extensive authority has been claimed. The right to engage in such commerce is one of the rights reserved to the people and one of the privileges and immunities of citizenship. Congress can not lay an embargo upon interstate commerce—

I call the Senator's attention especially to this, because I understood him to state that Congress could lay an embargo upon interstate commerce.

Congress can not lay an embargo upon interstate commerce, nor can it, in national matters, make restrictions of unequal operation among the States. The purpose with which the grant was made—to secure

freedom of transportation throughout the country unembarrassed by differing regulations at State lines—measures not only the power of the States, but also the power of Congress.

That is given as the rule, after reciting a number of authorities upon the subject. I quote it to the Senator that he may meet it directly in his argument.

Mr. BEVERIDGE. I am very much obliged to the Senator, indeed. He asked me a question and then submitted to me a proposition from Prentice's text-book. I will answer his question now and take up the proposition when I come to that branch of my argument.

In the first place, the Senator asked me whether, in the Lottery case, as well as in the other cases, it was not held that these subjects excluded from interstate commerce were not in their nature not properly subjects of commerce. Now, in answer to that, I say on the contrary they were definitely declared to be subjects of commerce, otherwise no jurisdiction could have been acquired over them.

It was contended in the Lottery case that the law of Congress was void for two reasons. One was that lottery tickets were not subjects of commerce any more than insurance policies are and that therefore the case of *Paul v. Virginia* decided the lottery-ticket question at its inception. Because, of course, if lottery tickets were not subjects of commerce, then Congress had no power to pass laws excluding them from interstate commerce. So the court said upon that point:

We are of opinion that lottery tickets are subjects of traffic and therefore are subjects of commerce, and the regulation of the carriage of such tickets from State to State, at least by independent carriers, is a regulation of commerce among the several States.

Of course that was held in the Forty-three Gallons of Whisky case. Whisky is a subject of commerce. It was so held in *Leisy v. Hardin* and in the *Rahrer* case.

I think the Senator's question has also another meaning, which involves not so much the question of power as it involves the question of policy; and that is this—the Senator can correct me if I do not state what was in his mind—when any article of commerce becomes so adulterated by the circumstances of its manufacture, or because of its actual and inherent evil, or for any other reason affects injuriously the welfare of the people, then not only Congress in passing the law as a matter of policy, but the courts in upholding the law as a matter of power will take that into consideration. Am I right?

Mr. McCUMBER. The Senator is right; but I can easily see a distinction between that class of commodities and a class of commodities such as grain, etc., which may be raised upon my farm and some work in connection with which may be performed by a child under 10 years of age. I would admit the right of Congress in the one instance, but I confess I have great doubt in the other, unless the Senator is able to make it clear—

Mr. BEVERIDGE. As a question of policy, not power?

Mr. McCUMBER. As a question of power.

Mr. BEVERIDGE. It becomes a question, the Supreme Court says—and I have read two or three decisions, and I hope the Senator listened to them—to be left to the legislative discretion. But taking it from the point of view the Senator suggests, there is more harm to the interests of the Nation, and that phrase "interests of the Nation," I think, has been repeated in every one of these decisions—it was first used by Chief Justice Marshall in *McCulloch v. Maryland*—and that phrase the "interests of the Nation" has been the most powerful phrase in the interpretation of the Constitution. The "interests of the Nation" are more greatly imperiled by the products of child labor than even by diseased meat or adulterated food. Nobody doubts, and I think I shall prove to the satisfaction of everybody who hears me or who reads my remarks or cares anything about this subject, that we have the right to *prohibit* from interstate commerce convict-made goods. But I will come to that in a moment.

Answering the Senator's question from the legal point of view, I say certainly. Lottery tickets were decided to be subjects of commerce, legitimate subjects of commerce, just as whisky was decided to be, and it was upon that ground that the court acquired jurisdiction.

THE RIGHT TO "PROHIBIT."

The other ground upon which that law was resisted was that Congress had no right to *prohibit*. I call the attention of the Senator from Rhode Island to that. Their contention was exactly what was in the Senator's mind a moment ago, when he said that the only power confided in Congress was the power to *regulate*, and that the power to regulate did not involve the power to *prohibit*; and that therefore the law of Congress excluding lottery tickets from interstate commerce was not within the constitutional power of Congress.

Now, in an opinion which of course has become historic and which is so familiar to every lawyer here, I take it, that I hardly feel like taking the time to read it, but will do so on account of

its importance, the court held that the power to *regulate* commerce does not include the power to *prohibit* specified articles from commerce; and I shall read from the opinion of the court:

But it is said that the statute in question does not *regulate* the carrying of lottery tickets from State to State, but by punishing those who cause them to be so carried Congress in effect *prohibits* such carrying; that in respect of the carrying from one State to another of articles or things that are, in fact or according to usage in business, the *subjects of commerce*, the authority given Congress was not to *prohibit*, but only to *regulate*.

Is not that what the Senator from Rhode Island said a moment ago? That was the argument which the court says was made. It might have been the Senator from Rhode Island himself who made the argument for the lottery people, according to the Supreme Court's report of that argument, for it is in exact and identical words the argument of the Senator from Rhode Island against this child-labor bill. This is the opinion of the court.

The Supreme Court continues:

It is to be remarked that the Constitution does not define what is to be deemed a legitimate *regulation* of interstate commerce. In *Gibbons v. Ogden* it was said that the power to *regulate* such commerce is the power to *prescribe the rule by which it is to be governed*. But this general observation leaves it to be determined, when the question comes before the court, whether Congress in prescribing a particular rule has exceeded its power under the Constitution.

While our Government must be acknowledged by all to be one of enumerated powers, *McCulloch v. Maryland* (4 Wheat., 316, 405, 407), the Constitution does not attempt to set forth all the means by which such powers may be carried into execution. It leaves to Congress a large discretion as to the means that may be employed in executing a given power.

We have said that the carrying from State to State of lottery tickets constitutes interstate commerce, and that the regulation of such commerce is within the power of Congress under the Constitution. Are we prepared to say that a provision which is in effect a *prohibition* of the carriage of such articles from State to State is not a fit or appropriate mode for the regulation of that particular kind of commerce? If lottery traffic, carried on through interstate commerce, is a matter of which Congress may take cognizance—

The extent of our discretion is with us, I will say to the Senator from Tennessee—

and over which its power may be exerted, can it be possible that it must tolerate the traffic, and simply *regulate* the manner in which it may be carried on? Or may not Congress, for the protection of the people of all the States, and under the power to *regulate* interstate commerce, devise such means, within the scope of the Constitution, and not prohibited by it, as will drive that traffic out of commerce among the States?

Could there be a more direct and emphatic answer to the question that was in the mind of the Senator from Rhode Island? The court continues:

In determining whether *regulation* may not under some circumstances properly take the form or have the effect of *prohibition* the nature of the interstate traffic which it was sought by the act of May 2, 1895, to suppress can not be overlooked. When enacting that statute Congress no doubt shared the views upon the subject of lotteries heretofore expressed by this court.

If a State, when considering legislation for the suppression of lotteries within its own limits, may properly take into view the evils that inhere in the raising of money in that mode, *why may not Congress*, invested with the power to regulate commerce among the several States, provide that such commerce shall not be polluted by the carrying of lottery tickets from one State to another?

I ask any Senator here whether he doubts that a State may pass a law excluding from intrastate commerce (commerce exclusively within the State itself) the products of child labor? Does the Senator from Rhode Island deny that power? Does any Senator deny that power?

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Rhode Island?

Mr. BEVERIDGE. Certainly. Did the Senator from Rhode Island understand my question?

Mr. ALDRICH. I think so. On the point the Senator was discussing the court evidently did not understand the lottery case to have the significance which the Senator is giving it, because in another case which they decided later they used the language I will read. After having quoted the lottery-case decision the court say:

Whatever difference of opinion, if any, may have existed, or does exist, concerning the limitations of power so far as interstate commerce is concerned, it is not denied that from the beginning Congress has exercised a plenary power in respect to the exclusion of merchandise brought from foreign countries.

Mr. BEVERIDGE. The Senator is on the subject that he raised last night, and to that I will come, to the Senator's satisfaction, in a moment. I am not arguing that now. I am reading the decision of the Supreme Court in the lottery case on the subject of *prohibiting* commerce in an article. I am asking the Senator and I am asking every other Senator this question. Before proceeding further I will read it again:

If a State, when considering legislation for the suppression of lotteries within its own limits, may properly take into view the evils that

inhere in the raising of money in that mode, why may not Congress, invested with the power to regulate commerce among the several States, provide that such commerce shall not be polluted by the carrying of lottery tickets from one State to another?

I ask any Senator this question: Does anybody deny that a State can pass a law which shall exclude from transportation within its own limits child-made goods made within its own limits?

Mr. FULTON. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Oregon?

Mr. BEVERIDGE. Certainly.

Mr. FULTON. I ask the Senator if the lottery case—

Mr. BEVERIDGE. No; pardon me just a moment.

Mr. FULTON. Well, I—

Mr. BEVERIDGE. Was the Senator going to answer the question I put?

Mr. FULTON. I was going to answer it by putting another.

Mr. BEVERIDGE. No; I want a direct answer. I want to make an argument upon it for a moment.

Mr. FULTON. I am not under any obligation to answer the Senator's question.

Mr. BEVERIDGE. Of course you are not, and I am not under any obligation to yield.

Mr. FULTON. The Senator asked a question. If he chooses to withdraw it, I will not ask the Senator the question I had intended to ask.

Mr. BEVERIDGE. Go on.

Mr. FULTON. I will ask the Senator if he does not observe that the lottery case and the whisky case and all the cases cited have this element in them: The exclusion of the articles amounts to a regulation of commerce in that it withdraws from commerce things that are deleterious to the people to whom they are shipped?

Mr. BEVERIDGE. Certainly.

Mr. FULTON. The articles were not allowed to be used for that purpose. Is there not a vast distinction between that and simply refusing to allow to be transported in interstate commerce an article, against which no charge of that character can be made, merely because some particular character of labor has been employed in making it? In other words, in one case you regulate commerce, and in the other case you are regulating the employment of labor in a State.

Mr. BEVERIDGE. The Senator rose to ask a question. He did not only ask a question, but he made quite a statement. As a question of policy, I recognize the distinction. As a question of power, as a matter of pure logic, I personally do not. But I do not intend in any argument of this question—

Mr. FULTON rose.

Mr. BEVERIDGE. No, in a moment, I want to dispose of the question I am on now.

I do not intend to be confined to that narrow ground. I intend to take the ground, and have taken it, although I could take the much wider one if I chose, that wherever any article affects for ill "the interests of the Nation," to use the famous phrase of John Marshall, which is repeated in nearly every one of these decisions, where from its adulteration, from the circumstance of its manufacture, from any other circumstance Congress, representing the people, thinks it is bad for the Nation, it may be excluded from interstate commerce under the commerce clause of the Constitution.

Now, I am going to read again what I read from this lottery decision, and again ask a question, and if there is no answer, then I am going to state the conclusion.

If a State, when considering legislation for the suppression of lotteries within its own limits, may properly take into view the evils that inhere in the raising of money in that mode, why may not Congress, invested with the power to regulate commerce among the several States, provide that such commerce shall not be polluted by the carrying of lottery tickets from one State to another?

Will any Senator say that a State has no power to pass a law excluding from transportation within its own limits child-made goods made within its own limits? Certainly not.

The most rabid opponent of this bill would not say that. Therefore, according to the passage I have just read from the decision of the Supreme Court in the Lottery Cases, when it comes to a question of interstate traffic, Congress has power over that as plenary as the State has over the product within its own borders.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. BEVERIDGE. Certainly.

Mr. TILLMAN. It seems to me the Senator is crossing a very attenuated bridge to reach his point. If a State wants to regulate child labor, it has plenary power under its police power to pass any law it sees fit, and it is inconceivable that a State

would undertake to pass a law such as the Senator says it might pass, because it can go to the remedy so much more directly and so much more effectively. When the Senator undertakes to draw a deduction that Congress can do this thing because a State can do it, it is absurd, because the State would never think of doing it in that way. It would do it in the other way, the substantial way, the common-sense way, the direct way, the positive way.

Mr. BEVERIDGE. The Tillman way.

Mr. TILLMAN. That is right, if you choose to apply it.

Mr. BEVERIDGE. Mr. President, what I say to the Senator from South Carolina I say kindly, for I know his earnest desire to end this very great evil, which he has described more vividly than I have, and he has expressed to me personally and in public his desire to hear what was said upon the legal proposition. I notified him this morning that the subject was going to be gone into by direct decisions. Now, the Senator goes out a large part of the time.

Mr. TILLMAN. The Senator has not been absent at all. I beg the Senator's pardon. He has been right here listening. The Senator from Indiana is always telling us that he is going to get to the point directly, but he never gets there. [Laughter in the galleries.]

Mr. BEVERIDGE. Mr. President, that is a remark calculated, of course, to amuse the galleries. Does the Senator think that the language of Justice Harlan in the Lottery case, where he says it is within the power of Congress to exclude lottery tickets from interstate commerce, where it involves the power of prohibition, is not to the point?

Mr. TILLMAN. I have never read the Lottery case, because I have never had anything to do with these legal technicalities. I know the common-sense proposition that because a State might do a thing is no reason why the United States has power to do the thing.

Mr. BEVERIDGE. The Senator is no monopolist of the common sense on this floor.

Mr. TILLMAN. I do not claim to be. I think that would be a preposterous supposition when the Senator from Indiana is on deck. [Laughter.]

Mr. BEVERIDGE. I thank the Senator from South Carolina.

Now, I read further from the Lottery case. If the Senator of course does not think that the decision of the Supreme Court which says that Congress has the power to regulate commerce, to prohibit commerce in certain articles—

Mr. CARMACK. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. I do.

Mr. CARMACK. Does the Senator understand that opinion to go to the extent of saying that whatever a State may do in regulating commerce within its borders the General Government may do in regulating commerce among the States?

Mr. BEVERIDGE. No; but there are several other cases which do say just that, and it was said not less than a hundred times in the interstate-commerce debate on the passage of the rate bill last year. It comes so near it that I will again read it, and the Senator can see for himself.

Mr. CARMACK. I do not think it says that.

Mr. BEVERIDGE. As I said yesterday, a Senator, like any other man—

Convinced against his will.
Is of the same opinion still.

But hear the Supreme Court. Why are Senators so impatient with the Supreme Court? That tribunal goes on:

Why may not Congress, invested with the power to regulate commerce among the several States—

POLICE POWER OF STATE AND COMMERCE POWER OF NATION.

Do the same thing? The same thing that a State can do with commerce within that State? That is the question the Supreme Court asks—yes, and decides. For example, the same argument could have been made—and I have looked through the debates and I have them here—on the antislavery law. The late Senator from Missouri, Mr. Vest, whose brilliant intellect still illumines this Chamber, at first thought he would resist it on constitutional grounds, but he did not.

It could as well be said that it was the province of a State to pass laws protecting their people from the evil of lotteries, as many of the States do, just as many of the States have passed laws against child labor, some effective, some ineffective, some grotesque; and some States have not passed a law at all.

It might as well be said, and it was said, that it was a part of the "police power of the State"—a term which is abused so much—as for the States to pass laws for protecting their citizens from the evils of lottery tickets. I will say to the Senator from South Carolina that one of the most powerful arguments

made before the Supreme Court in the Lottery Case was that the power to *suppress* the transmission of lottery tickets, the power to save a State's people from the moral evil involved in that, was a "police power of the State," and something which the Federal Government had no right to interfere with.

Mr. TILLMAN rose.

Mr. BEVERIDGE. Pardon me a moment. Nobody denied that that was the case; but the Supreme Court said that this was not the *only* method of reaching that evil. It is true that it is within the "police power" of a State to pass a law suppressing lotteries or the sale of lottery tickets for the saving of the morals of its people.

But it is also true that the National Government, under the power confided in it under the interstate-commerce clause, has power to *exclude* from interstate commerce and *prohibit* the transmission by interstate carriers of lottery tickets.

Mr. TILLMAN. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. BEVERIDGE. I do.

Mr. TILLMAN. Does the Senator see no difference between the suppression of gambling, so to speak, which the Lottery case involves, and the suppression of an evil which everyone acknowledges child labor to be? Can he see no difference in the regulation of the two? The Senator's bill proposes that we shall kill the evil involved in child labor by prohibiting the products from being transported in interstate commerce.

Mr. BEVERIDGE. Yes; I say—

Mr. TILLMAN. Does the Senator see no difference between that and suppressing gambling in lottery tickets by not having them distributed all over the country?

Mr. BEVERIDGE. To use the language the Senator so often employs, to give the Senator a "common sense" answer, void of "technicality," there is as much difference between the one and the other as there is between gambling and murder, because lottery tickets involve gambling and the poisoning of the people's morals, and I have shown here by sworn testimony that child labor involves murder and murder knowingly committed.

Mr. TILLMAN. Mr. President—

Mr. BEVERIDGE. That is the "common sense" answer to it.

Mr. TILLMAN. Does the Senator contend that Congress can prohibit murder in a State?

Mr. BEVERIDGE. Certainly not.

Mr. TILLMAN. Then the Senator answers himself.

Mr. BEVERIDGE. If the Senator wants me to answer my own questions, very well. If the Senator is satisfied, I am.

Mr. TILLMAN. If the Congress has no power to prohibit murder directly why should the Congress have the power to prohibit murder indirectly by prohibiting child labor, or the abuses of child labor?

Mr. BEVERIDGE. I will show the Senator by statutes upon which he himself has voted in a few moments.

Mr. SPOONER. If the Senator will allow me a moment—

Mr. BEVERIDGE. Certainly. But may I interrupt the Senator a moment before he asks me a question? Does the Senator from South Carolina think that Congress can pass a law prohibiting gambling in the States?

Mr. TILLMAN. Ordinary gambling?

Mr. BEVERIDGE. Oh, gambling in the States. Of course I do not know—

Mr. TILLMAN. I am very anxious to have Congress or somebody else pass a law to prohibit the gamblers in Wall street, who are stealing our cotton—

Mr. BEVERIDGE. This is not a humorous discussion.

Mr. TILLMAN. And to stop the dealing in futures. I should like to see something done along that line.

Mr. BEVERIDGE. This is not a humorous discussion.

Mr. TILLMAN. I am not making any humor. I assure the Senator I was never more in dead earnest in my life.

Mr. BEVERIDGE. The Senator says it is perfectly competent for Congress to exclude lottery tickets from the mail and thus suppress gambling. And he asked me whether or not Congress has power to prevent murder in a State. I say "No."

Now, I ask the Senator, Has Congress power to prevent gambling in a State? Certainly not. I do not expect the Senator to say it has; but the Senator has just admitted that we have power and have exercised it in the lottery cases to *indirectly* prevent gambling in a State. Now I will hear the Senator from Wisconsin.

Mr. TILLMAN. The antilobby law business prevented the evil of gambling in one State from being spread all over from that one center.

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Wisconsin?

Mr. BEVERIDGE. Certainly.

Mr. SPOONER. The Senator from Indiana is discussing in perfect good faith and ability a question which, to my mind, is very vital to the people of the United States. I understand he predicates his argument (if I am wrong about that he will correct me) upon the proposition that Congress has absolutely unlimited power over interstate commerce. Am I right?

Mr. BEVERIDGE. The power of Congress over interstate commerce is as great as its power over commerce among the Indian tribes or with foreign nations.

Mr. SPOONER. That is only quoting the language of the constitutional provision, but that does not answer my question. The Senator will pardon me. The Senator said yesterday (and I ventured to ask him a question, because I respect him and desired his view about it) that it is in the power of Congress under the commerce clause to prohibit at its will the transportation of any article from State to State or to foreign countries. Is that the Senator's position?

Mr. BEVERIDGE. I will answer the Senator not indirectly, but I will answer him directly in two ways.

Mr. SPOONER. I simply wish to bring that to the attention of the Senator.

Mr. BEVERIDGE. First, then, my own personal view: The question is much broader than this bill justifies, and that is the reason why I am going to answer your question in two ways.

My own personal view upon the question of *power* exclusively is that the *power* of Congress is that broad, and that it is a question of *policy* over what articles we will exercise it. I shall try to illustrate that in a moment. In answering thus I am answering the Senator quite as broadly as his question.

But the Senator's question is broader than this particular bill under discussion makes necessary, and therefore I will only answer, as to the second answer, as broadly as the present bill does justify. It is not necessary for me to make a broader answer than the bill itself calls for. I am not going to have a straw man, or what the Senator may think is a straw man—that is, my personal views about the scope of my power—erected to be knocked down by anybody.

So I give the Senator my second portion of the answer, as follows: That even if I am wrong in my first, which is, as I think, supported by numerous decisions of the Supreme Court, there can be no question that I am right in this very limited view at least, that we have the unquestioned power to exclude from interstate commerce any article which, in our judgment, is deleterious to the people of the United States, whether it be by reason of its unhealthfulness, whether it be by reason of its supposed effect upon the morals of the people, or whether it be by reason of a circumstance of its manufacture which is hurtful to the American people—which, to use the phrase most often used in all these cases, is inimical to the "interests of the nation." Now, I have answered the Senator's question.

Mr. SPOONER. Now, Mr. President, if my interruption is not agreeable to the Senator—

Mr. BEVERIDGE. It is welcome.

Mr. SPOONER. The Senator has answered the question fully and frankly and from two different standpoints. Of course, I suppose there is no one in this Chamber who is not opposed to child labor. It is withering—that is a good word for it—the mental and physical faculties of the young, who are to be the governing body of this country. Not differing at all with the Senator in his denunciation of child labor or in his declaration—in which there is very much truth—that the States have not adequately dealt with it, my trouble is in the power of the Federal Government to regulate it. I suppose the Senator would admit that it is entirely incompetent for Congress to constitutionally enact a law in terms regulating child labor in the States. That is not debatable, I take it, by anyone. So the Senator is obliged to fall back upon the commerce clause of the Constitution to enable the thing to be done, Congress to accomplish by indirect means what confessedly it can not constitutionally accomplish by direct means.

Now, the Senator says, first—I did not mean to make a speech—

Mr. BEVERIDGE. Go ahead.

Mr. SPOONER. The Senator says, first—and I think he has to say, although the distinction which he draws has force so far as the decision in the lottery case goes, that Congress has unlimited power over interstate commerce, and it may say who shall engage in interstate commerce, and it may say who shall not. It may say what articles can be transported from State to State, from the State of production to the State of sale or to a foreign country.

Now, Mr. President, I want to ask the Senator, apart from the decision upon which he relies, if the word "regulate" does not of necessity involve the continued existence of the thing to be regulated, whether it does not in terms inherently exclude

the power to destroy; in other words, to prohibit, and if, taking the Senator's first proposition—

Mr. BEVERIDGE. The Senator is putting a good many questions to me, of course.

Mr. SPOONER. No; I do not. On the first proposition made by the Senator, is it not true that Congress can prohibit the transportation of an innocuous commodity and a necessary one from State to State because in the State of production it was not the product of union labor?

Mr. BEVERIDGE. Yes; under my first answer.

Mr. SPOONER. Or, Mr. President—

Mr. BEVERIDGE. But will the Senator pardon me a minute?

Mr. SPOONER. Pardon me.

Mr. BEVERIDGE. Pardon me.

Mr. SPOONER. Yes.

Mr. BEVERIDGE. I stated that abstract answer to the Senator. It is an abstract question, though I am perfectly willing to have the Senator consume any amount of time in questions. I said that question and the answer which it called for and which I gave were not necessary to this bill, and I proceeded to give a substantive answer, so far as *this* bill is concerned, which the Senator said was fair and the distinction important.

Mr. SPOONER. Well, I will get to that.

Mr. BEVERIDGE. You are arguing the bill.

Mr. SPOONER. No; I am not.

Mr. BEVERIDGE. But I do not want to forget the question of the Senator. He is putting four or five at once.

Mr. SPOONER. No; I do not mean to do so, and I will not continue.

Mr. BEVERIDGE. It is all right, except I do not want to lose sight of it in my mind.

Mr. SPOONER. No; the Senator will not lose sight of anything. I will pay him that tribute.

Mr. BEVERIDGE. I could not lose sight of the Senator.

Mr. SPOONER. So, on the Senator's theory, Congress may prohibit transportation from State to State of any article in the production of which eight hours a day was not in vogue in the labor which produced it.

Mr. BEVERIDGE. I personally think that, I will say to the Senator; but I will state that under this bill that case can not be debated at all.

Mr. SPOONER. I will get to that in a minute.

Mr. BEVERIDGE. Well, go ahead.

Mr. SPOONER. Under that theory, is it not true that the power given by the Constitution to Congress to regulate commerce for the purpose of keeping the channels of commerce free and unobstructed is prostituted into a construction which warrants the General Government itself to obstruct the channels of commerce?

Mr. BEVERIDGE. Does the Senator ask me that question?

Mr. SPOONER. No; in just a minute.

Now, Mr. President, I come to the second branch. I make the suggestion, and I want to hear the Senator on it; that is all.

Mr. BEVERIDGE. I do not want to forget.

Mr. SPOONER. The Senator forgets nothing.

Mr. BEVERIDGE. That is very kind, but I do not want to run the risk. I do not want to let the Senator kill me with compliments until I run the risk of forgetting his questions.

Mr. SPOONER. Now I come to the second proposition. If the power to regulate commerce involves the power to prohibit commerce when, in the judgment of Congress, there is involved the habits or the morals of the people, what limit is there to the power? Where Congress has the power—

Mr. BEVERIDGE. Yes; that question, I will say to the Senator, when that particular branch of the argument is reached, I want to take up logically to answer most fully. It simply involves the ancient argument that has been made every time a case of this kind has gone to the Supreme Court, and that is so easily made, that because a power may be exercised abusively, absurdly, grotesquely, and ruinously, if it is admitted to exist at all, therefore it does not exist. That is no new argument. The Supreme Court has decided time and again that the *abuse* of power does not argue against its *existence*. Does the Senator deny that?

Mr. SPOONER. The Senator now puts me a question—

Mr. BEVERIDGE. Yes; I do.

Mr. SPOONER. Which I will not forget to answer. The power of taxation under the Constitution is without limit except as to uniformity. When Congress, as in the oleomargarine case and some others, exercised that power, the Supreme Court sustained it, because where a power is given to Congress the discretion, the wisdom of Congress in its exercise is not subject to judicial review.

Mr. BEVERIDGE. That is quite right so far as the policy

involved is concerned. All that judicial review has to do with it is a question of abstract power.

Mr. SPOONER. Yes; that is right. Now, if Congress should come to the conclusion on the Senator's argument that it affects the morals of the people, the labor of the people, that there should be an eight-hour labor day, or that all labor should be combined into a labor union, and should therefore prohibit transportation from State to State of any commodity which is not the product of eight-hour labor or of union labor, does the Senator think—

Mr. BEVERIDGE. Or that we could prohibit it altogether?

Mr. SPOONER. Or prohibit it altogether.

Mr. BEVERIDGE. What is the Senator's question?

Mr. SPOONER. Can the court review the wisdom and discretion of Congress?

Mr. BEVERIDGE. I will answer that question upon the very best of authority.

Mr. SPOONER. What is it?

Mr. BEVERIDGE. The Senator from Wisconsin [Mr. SPOONER].

Mr. SPOONER. I deny the ex cathedra character of the testimony.

Mr. BEVERIDGE. In the oleomargarine case one of those familiar types of questions, "If you can do this, can you not do something else that is extreme?" was asked of the Senator from Wisconsin by the Senator from Texas [Mr. BAILEY]. The Senator from Texas said:

Mr. BAILEY. Mr. President, with the Senator's permission, I am going to take my question away from oleomargarine, because I really desire an expression of the Senator's opinion.

The same phrase, always used.

Let us broaden it until, we will say, Congress should pass a law declaring that every article, when passing from one State into another, should immediately, upon the arrival of that article, or of all articles, into the State, become subject to its laws, does the Senator from Wisconsin believe that such a law would be constitutional?

Mr. SPOONER. Subject to the police laws of the State?

Well, it is an impossible question. Congress would never think of passing any such law.

(CONGRESSIONAL RECORD, 3500, Fifty-seventh Congress, first session, vol. 35.)

So I adopt the Senator's language in answering the Senator's question.

Mr. SPOONER. Now, Mr. President, the Senator from Texas, with his accustomed dialectic skill in debate upon the oleomargarine bill, vainly attempted to force me or beguile me into a defense of it under the commerce clause of the Constitution. I did justify it under the taxing clause of the Constitution.

Mr. BEVERIDGE. But will the Senator pardon me right there?

Mr. SPOONER. Yes; of course.

Mr. BEVERIDGE. That has nothing to do with the answer which the Senator gave, which was absolutely the correct answer and the one that has been given this morning. The same sort of argument which the Senator is making now has been put to the Supreme Court, that it is an "impossible question." For example, the Senator asked me whether, if this power was conceded to prohibit it in one, we could not prohibit it in all; could we not go to the extent of providing that everybody in the United States shall join a labor union and not ship their goods otherwise?

Mr. SPOONER. The Senator said "Yes."

Mr. BEVERIDGE. I said, in answer to that, "It is an impossible question," to use the exact language of the Senator from Wisconsin.

Mr. SPOONER. No; the Senator said "Yes."

Mr. BEVERIDGE. No; I say it is an "impossible question."

Mr. CARMACK. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. Yes.

Mr. CARMACK. I think it is the answer which seems impossible, rather than the question. [Laughter.]

Mr. BEVERIDGE. Well, the Senator is interjecting, on behalf of the Senator from Wisconsin, his ready wit.

Mr. CARMACK. I withdraw it, Mr. President.

Mr. BEVERIDGE. The Senator from Wisconsin has asked me a question, and I want to answer it.

Mr. SPOONER. This question has troubled me more than any other question which is to-day mooted in the United States.

Mr. BEVERIDGE. I am trying my best, with a great deal of diligence and a great deal of hard labor, to relieve the Senator from his trouble, if he is willing to be relieved.

Now, I want to answer the Senator's question. The Senator asked me whether or not I thought we could pass a law directly prohibiting child labor in any State.

Mr. SPOONER. Yes.

CAN CONGRESS DO INDIRECTLY WHAT IT CAN NOT DO DIRECTLY?

Mr. BEVERIDGE. And he then answered it himself by saying we could not; but that was not the subject to decide. I have the Senator's words entirely in mind, and I am now going to ask the Senator a question. Then the Senator asked, with some vigor, if we could not do this directly, how, by using the interstate-commerce clause of the Constitution, can we accomplish the same object indirectly?

Now I ask the Senator, does the Senator say that we could pass a law directly prohibiting lotteries in any State?

Mr. SPOONER. We could not.

Mr. BEVERIDGE. We could not. Then, according to the Senator's reasoning, I ask how can we, by invoking the interstate-commerce clause of the Constitution, do that very thing indirectly? For we have.

Mr. SPOONER. Mr. President, Congress passed two acts in regard to lotteries.

Mr. BEVERIDGE. Mr. President—

Mr. SPOONER. Pardon me a moment. In the exercise of its undoubted constitutional power, Congress passed an act excluding lottery tickets and lottery literature from the mails.

Mr. BEVERIDGE. I went over the history of that.

Mr. SPOONER. It will take but a moment. Congress had direct authority to do that. Congress supplemented, I think unwisely and unconstitutionally, although the Supreme Court held it to be constitutional—

Mr. BEVERIDGE. Although the Supreme Court held to the contrary.

Mr. SPOONER. I was about to say that although the Supreme Court, having the case under consideration three times, by a majority of one sustained the act which was passed to exclude lottery tickets, literature, etc., from the mails.

Mr. BEVERIDGE. Do I understand the Senator to criticize the Supreme Court because it decided by a majority of one?

Mr. SPOONER. Well, it was a case that I do not regard as being an authority to build a fabric upon which would entirely change—

Mr. BEVERIDGE. Let me call the Senator's attention to the fact, since he has mentioned that it was decided by a divided court, that the minority of four placed their dissent almost exclusively upon the ground, not that Congress did not have the power to exclude lottery tickets from interstate commerce if they were articles of commerce, but upon the point that lottery tickets were no more the subject of commerce than policies of insurance were the subject of commerce.

Mr. SPOONER. The Senator will not permit me to finish the sentence.

Mr. BEVERIDGE. Not at that point; but now I will.

Mr. SPOONER. I only want to say this, and then I will not interrupt any further—

Mr. BEVERIDGE. All right; if you can satisfy the Senator from Montana [Mr. CARTER], who is to take the floor as soon as I finish.

Mr. SPOONER. This is a more important question than the question which the Senator from Montana wants to discuss.

Mr. BEVERIDGE. I think the Senator from Wisconsin will find it as hard to convince the Senator from Montana upon that point as I find it to convince the Senator from Wisconsin on this.

Mr. SPOONER. I want to call the Senator's attention to the fact that the court say, in the majority opinion:

The whole subject is too important, and the questions suggested by its consideration are too difficult of solution, to justify any attempt to lay down a rule for determining in advance the validity of every statute that may be enacted under the commerce clause.

Mr. BEVERIDGE. You are reading from the end of the lottery case decision now.

Mr. SPOONER. I am reading the end of the opinion of the court.

Mr. BEVERIDGE. Yes; I know that. I was going to read it myself.

Mr. SPOONER. The court continue:

We decide nothing more in the present case than that lottery tickets are subjects of traffic among those who choose to sell or buy them; that the carriage of such tickets by independent carriers from one State to another is therefore interstate commerce—

Not the persons who had engaged in the manufacture of that product in the States before it was put into interstate commerce at all, but to the product transported—

that under its power to regulate commerce among the several States, Congress, subject to the limitations imposed by the Constitution upon the exercise of the powers granted, has plenary authority over such commerce and may prohibit the carriage of such tickets from State to State.

Mr. BEVERIDGE. Yes; I am very much obliged to the Senator for reading what I was going to read myself.

Mr. SPOONER. The Senator is entirely welcome.

But there is a broad distinction between a case where the

matter involved is held by the court to be the subject of transportation itself, and therefore subject to the regulative power of Congress and—

Mr. BEVERIDGE. You put a proposition and then go on and do not let me answer it.

Mr. SPOONER. With this sentence I will relieve the Senator: And the prohibition of the transportation from State to State of an entirely innocuous article of commerce from the standpoint of morals and everything else, so far as the article is concerned, simply with reference to the character of those who manufacture it.

Mr. BEVERIDGE. Now, Mr. President, I hope the Senator will give me his attention upon that last proposition.

Mr. SPOONER. I will.

NATURE OF ARTICLE SOURCE OF POLICY, BUT NOT OF POWER.

Mr. BEVERIDGE. I will answer the Senator's question. The Senator has told this Senate, who are more or less familiar with this Lottery Case, that lottery tickets were excluded because they were *per se* a bad thing. That is what the Senator said. He further said that the distinction between excluding the article—a lottery ticket—from commerce and excluding a child-made piece of goods from commerce was that the child-made piece of goods had in itself no evil, whereas the lottery ticket did have evil.

The Senator does not mean to let the Senate understand him as saying that. The lottery ticket was as innocuous as this desk; as innocuous, so far as the ticket itself is concerned, just as the product of child labor is, as innocuous as this desk. But it became tainted at the source of its issue, just as child-made goods become tainted with the crime of their manufacture.

There is where the original taint came that excluded the lottery ticket; not in the ticket itself, which was as harmless as any other substance, but in the fact that it issued from a gambling establishment and was a species and a product of crime.

Mr. CARMACK. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. I must get on with this Lottery Case, because I promised the Senator from Montana that I would get through. If the Senator has something else than witty remarks to make, I shall be glad to hear him.

Mr. CARMACK. I was going to suggest that there was an evil resulting directly from the commerce involved in the carrying of lottery tickets.

Mr. BEVERIDGE. Now, Mr. President—

Mr. BACON. Will the Senator permit me just to ask him one question there?

Mr. BEVERIDGE. Yes; I shall be glad to hear it.

Mr. BACON. The Senator says the lottery ticket is in itself as innocuous as the desk which the Senator uses for the purpose of illustration.

Mr. BEVERIDGE. That is what I said. The Senator is right about that.

Mr. BACON. The question I want to ask the Senator is this: Does he recognize or claim that obscene literature is innocuous because there is nothing offensive in the paper upon which it is written or printed?

Mr. BEVERIDGE. No; certainly not. It is innocuous so far as the paper itself is concerned on which it is written or printed. But I am going to read to the Senate the obscene literature statute and several other statutes we have passed, some concerning articles and excluding them from commerce, that are not innocuous either in their origin or in their consequences.

Mr. PERKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from California?

Mr. BEVERIDGE. I yield.

Mr. PERKINS. As the Senator is answering a question which has been asked by the distinguished Senator from Wisconsin [Mr. SPOONER], I wish on that line to ask if I understand him correctly that, if Congress in its wisdom should see proper, and it could be shown to be as deleterious and as debasing to the moral, spiritual, and physical welfare of mankind as child labor that men and women who are over 50 years of age perform labor in the manufacture of goods, whether Congress has the power to pass a law prohibiting the transportation of goods made by them?

Mr. BEVERIDGE. I will say that I have been unfortunate in not having had the Senator's presence when I argued that question in varying forms. The Senator from Wisconsin [Mr. SPOONER] asked, if we had the power to do this, had we not the power to make everybody join a labor union and exclude from transportation articles which were not made by such labor. The Senator from California [Mr. PERKINS] now puts the same question, only substituting for the labor union the product of

people who are over 50 years of age. The answer is the same.

I carefully answered the question the Senator from Wisconsin put to me from two points of view, one the broad point of view, which is not at all called for by this bill; and the other the narrower point of view, which is called for by this bill.

I would be glad to go over that again if it were not that the Senator from Montana is waiting to take the floor at the conclusion of my remarks. I will, however, with the permission of the Senator from Montana, merely take the time to answer the Senator's question.

Mr. PERKINS. Mr. President, I think it can be shown that as pitiable a sight as can be called to mind is that of aged persons who are compelled to labor physically or mentally for the support of those who are dependent upon them. I think there can be as forcible an appeal made in their behalf as has been made for children under 14 years of age. The child is looking with hope and buoyancy to the future—

Mr. BEVERIDGE. The Senator must not take my time to deliver an oration, because I know what the effect of that would be. It would get the Senate off from the subject I am trying to discuss.

Mr. PERKINS. I will say that I have yielded my desk to the Senator from Indiana from which to deliver his speech and that it has had more brains back of it during the few hours my friend has been there than it has had for the last fourteen years since I have been there. [Laughter.]

Mr. BEVERIDGE. I will ask the Senator this question: Does he propose to vote against the exclusion from interstate commerce of goods made by the blood of children because he fears some person might introduce a bill excluding from interstate commerce goods made by men and women over 50 years of age?

Mr. PERKINS. I am waiting for the completion of the argument of the Senator before I decide.

THIS ILLUSTRATED BY EXCLUSION OF LOTTERY TICKETS.

Mr. SPOONER. Will the Senator from Indiana yield to me for a question?

Mr. BEVERIDGE. Yes, sir.

Mr. SPOONER. The Senator says, referring to the lottery ticket, that the vice of it is in the issuing of it; the taint which characterizes it is its origin.

Mr. BEVERIDGE. I know just what the Senator is going to say, that the termination of the ticket is also.

Mr. SPOONER. I knew the Senator would know that; but the Senator knowing that, did not say that. He traces the whole trouble to the source. Now, is it not a fact that the whole trouble with the lottery ticket lay in its transportation?

Mr. BEVERIDGE. The trouble is at both ends of the line.

Mr. SPOONER. No; it lay in the transportation.

Mr. BEVERIDGE. The trouble is at both ends of the line.

Mr. SPOONER. The trouble in the beginning is nothing without the end.

Mr. BEVERIDGE. And the trouble at the end is nothing without the beginning.

Mr. SPOONER. Between the beginning and the end. The trouble is in the transportation. The lottery ticket is signed. That entitles no one to draw from the lottery; but when it is transported and when it is delivered after having been transported, that is the consummation of a gambling contract.

Mr. BEVERIDGE. But I ask the Senator this: As a question of *power* and not as a question of *policy*—excluding that—does the Senator say that the evil, either at the beginning or at the end, is what gives us the *power*?

Mr. SPOONER. I do not say that.

Mr. BEVERIDGE. Then the *power* exists—the *policy* being put aside—regardless of the evil either at the beginning or at the end of the lottery ticket's journey.

Mr. SPOONER. Yes—

Mr. BEVERIDGE. That is right. The Senator takes a position as broad as I do.

Mr. SPOONER. No; I do not take the Senator's position at all. I am trying to understand it.

Mr. President, an article manufactured in whole or in part by child labor—

Mr. BEVERIDGE. I want to keep the Senator on the lottery-ticket proposition, because I want to make a point on that, if the Senator will permit me.

Mr. SPOONER. I will get to that, if the Senator will allow me just a moment.

Mr. BEVERIDGE. I do not want you to get by it. I want you to stick to it.

Mr. SPOONER. A lottery ticket is nothing without delivery—

Mr. BEVERIDGE. Certainly not.

Mr. SPOONER. And having been excluded from the mails it can only be delivered by express companies.

Mr. HALE. Mr. President, I hope the Senator from Wisconsin will allow the Senator from Indiana to proceed, as he practically agreed that he would close his remarks near 2 o'clock.

Mr. BEVERIDGE. I am trying to do so just as fast as I can.

Mr. SPOONER. I ask permission of the Senator from Maine—

Mr. HALE. To prolong the discussion?

Mr. SPOONER. No, sir; not at all. But only to take one moment.

Mr. HALE. I want the Senator to bear in mind what was practically the obligation of the Senator from Indiana that he would close his remarks about 2 o'clock.

Mr. BEVERIDGE. No; I will say to the Senator—

Mr. SPOONER. I was not a party to the making of that contract; but I will observe it.

Mr. BEVERIDGE. I will try to conclude as soon as I can. I will say to the Senator from Maine that I have occupied the last hour in answering questions, or, rather, having Senators make speeches in my speech. I do not object to that at all, only I am not to blame for that.

Mr. SPOONER. I am to blame for putting some questions to the Senator from Indiana, which are pertinent, I think, and which are involved in the pending legislation. With one more suggestion, I will not interrupt him further.

The lottery ticket is of no avail whatever; it does no harm until it is delivered.

Mr. BEVERIDGE. Yes.

Mr. SPOONER. It has been excluded from the mails, and therefore it can only be delivered by express, and the delivery consummates the contract.

Mr. BEVERIDGE. But I have covered that—

Mr. SPOONER. If the Senator will pardon me a moment, the delivery consummated the contract, and the harm was really in the delivery. Now, in the case of an article entirely innocuous, which might be transported from one State to another and delivered in a State other than the State of production, there is no harm in the delivery. It is just as good an article and it is just as necessary to the people to have it delivered as if child labor had not entered into its production. So that in that case the whole trouble, the whole evil is in the State of production, and delivery and transportation have nothing to do with it.

Mr. BEVERIDGE. Now, I ask the Senator the question I asked him a moment ago, because I want to get from him the answer that he made a moment ago. Excluding the question of *policy* and considering the question of *power*—which is what we are now dealing with—does the Senator say that either the shipment or the delivery of a lottery ticket confers the *power* upon us?

Mr. SPOONER. I do not; but I say this—

Mr. BEVERIDGE. Certainly; that is as broad a position as I take.

Mr. SPOONER. I say that the court held it was an article of commerce; that it involved transportation and delivery, and therefore it might be regulated, and I say this is an entirely different case.

CORRECTNESS OF SUPREME COURT IN LOTTERY CASE.

Mr. BEVERIDGE. Mr. President, the Senator has admitted, as I knew he must admit when the question was put, that, as a question of *power*, neither the shipment nor the delivery of the lottery ticket confers the *power* upon us.

Mr. SPOONER. I said the principle in the case of child labor is different from the one involved in the lottery decision.

Mr. BEVERIDGE. The Senator has overruled the Supreme Court of the United States in the Lottery Case, and has said so frankly.

Mr. SPOONER. I am stating my opinion about it.

Mr. BEVERIDGE. When I asked him if that was true, he said it was a divided court; and I pointed out that the division *did not occur upon this question at all*, but it did occur upon the question whether a lottery ticket was an article of commerce. That is true, is it not?

Of course the Senator would not say that to-day either the shipment or the delivery was what created the *power*, because, if he had, he would have been confronted by the historic fact that up to about fifty years ago lottery tickets and lotteries were a favorite method of raising money for various enterprises in this country, and no law could have been passed up to that time.

Now, I want to go on with this Lottery case. The Senator from Wisconsin says we have no *power*—and I concede it—to pass a law directly stopping child labor. Therefore, said he,

under the interstate commerce clause can we do indirectly what we admit we can not do directly?

But that is answered by substituting the words "lottery ticket" for "child labor" and by asking the Senator, "Can we pass a law directly prohibiting lotteries in any State?" and the Senator says, "No; certainly not."

Then, using his own language and substituting only the word "lottery," I ask him whether we can invoke the interstate-commerce clause to do that indirectly which he admits we can not do directly; and the Senator is impaled upon the horn of that dilemma because of this decision of the Supreme Court with which the Senator disagrees.

Of course, all I can do to convince the Senator is to cite decisions of the Supreme Court; and if the Senator does not believe it is constitutional under that authority, of course that is the end of my labor. Now, I will read further, and I want the attention of both Senators to this. I am trying to get through as fast as I can, and I should like the attention of the Senator from Rhode Island [Mr. ALDRICH] and the Senator from Wisconsin [Mr. SPOONER] to this. I continue the reading of this decision.

I am still reading from the decision of the Supreme Court in the Lottery case:

In this connection it must not be forgotten that the power of Congress to regulate commerce among the States is plenary, is complete in itself, and is subject to no limitations except such as may be found in the Constitution.

Now, proceeds the court:

What provision in that instrument can be regarded as limiting the exercise of the power granted? What clause can be cited which in any degree countenances the suggestion that one may, of right, carry or cause to be carried from one State to another that which will harm the public morals? We can not think of any clause of that instrument that could possibly be invoked by those who assert their right to send lottery tickets from State to State except the one—

That is where the Lottery case is a good deal weaker than the child-labor case—

providing that no person shall be deprived of his liberty without due process of law.

I think that answers the question that was suggested early in the day by the Senator from Rhode Island. I have a lot of this Lottery case that I must read, and the Senator from Maine and the Senator from Montana are both very justly impatient.

Mr. SPOONER rose.

Mr. BEVERIDGE. Suppose you allow me to read this, also from the decision of the Supreme Court of the United States in the Lottery case:

If it be said that the act of 1895 is inconsistent with the tenth amendment, reserving to the States, respectively, or to the people the powers not delegated to the United States, the answer is that the power to regulate commerce among the States has been expressly delegated to Congress.

And this:

POLICE POWER OF STATE V. "ONLY POWER COMPETENT TO END" EVIL.

As a State may, for the purpose of guarding the morals of its own people, forbid all sales of lottery tickets within its limits, so Congress, for the purpose of guarding the people of the United States against the "widespread pestilence of lotteries" and to protect the commerce which concerns all the States, may prohibit the carrying of lottery tickets from one State to another.

And this:

It said, in effect, that it would not permit the declared policy of the States, which sought to protect their people against the mischiefs of the lottery business, to be overthrown or disregarded by the agency of interstate commerce. We should hesitate long before adjudging that an evil of such appalling character—

And where is the Senator from Wisconsin?

Mr. SPOONER. He is here.

Mr. BEVERIDGE—

carried on through interstate commerce, can not be met and crushed by the only power competent to that end.

And so, as in the case of the lottery tickets, each State had a perfect right to pass lottery laws that would end the evil within its borders; but that would not prevent a lottery in another State sending the evil into the first State. There was only one power competent to that end, and although nobody questioned the police power of the States acting upon this subject within their limits, still it could only be ended, says the Supreme Court, by invoking the power of the General Government.

But the Senator from Wisconsin [Mr. SPOONER] says that this decision of the Supreme Court is itself unconstitutional.

But never mind. The Supreme Court goes on:

We say competent to that end, because Congress alone has the power to occupy by legislation the whole field of interstate commerce. What was said by this court upon a former occasion may well be here repeated: "The framers of the Constitution never intended that the legislative power of the Nation should find itself incapable of disposing of a subject-matter specifically committed to its charge." (In re Rahrer, 140 U. S., 545, 562.)

And the Supreme Court concludes this particular syllogism as follows:

If the carrying of lottery tickets from one State to another be interstate commerce, and if Congress is of opinion that an effective regulation for the suppression of lotteries, carried on through such commerce, is to make it a criminal offense to cause lottery tickets to be carried from one State to another, we know of no authority in the courts to hold that the means thus devised are not appropriate and necessary to protect the country at large against a species of interstate commerce which, although in general use and somewhat favored in both national and State legislation in the early history of the country, has grown into disrepute and has become offensive to the entire people of the Nation. It is a kind of traffic which no one can be entitled to pursue as of right.

So that the power was not limited if it was merely an article of interstate commerce. The Supreme Court excludes, as the Senator did in answering my question, the suggestion that power arises by reason of the evil of the traffic. There is where the policy comes in, not the power.

Now, I call the attention of the Senator from Rhode Island to this, because this is his point:

That regulation may sometimes appropriately assume the form of prohibition is also illustrated by the case of diseased cattle transported from one State to another. Such cattle may have, notwithstanding their condition, a value in money for some purposes, and yet it can not be doubted that Congress, under its power to regulate commerce, may either provide for their being inspected before transportation begins, or, in its discretion, may prohibit their being transported from one State to another.

Still the Supreme Court keeps on:

The act of July 2, 1890, known as the Sherman antitrust act, and which is based upon the power of Congress to regulate commerce among the States, is an illustration of the proposition that regulation may take the form of prohibition. The object of that act was to protect trade and commerce against unlawful restraints and monopolies. To accomplish that object Congress declared certain contracts to be illegal. That act, in effect, prohibited the doing of certain things, and its prohibitory clauses have been sustained in several cases as valid under the power of Congress to regulate interstate commerce.

And again, for it appears that the Supreme Court was quite determined and persistent on this question:

That regulation may sometimes take the form or have the effect of prohibition is also illustrated in the case of *In re Rahrer*, 140 U. S., 545. In *Mugler v. Kansas*, 123 U. S., 623, it was adjudged that State legislation prohibiting the manufacture of spirituous, malt, vinous, fermented, or other intoxicating liquors within the limits of the State, to be there sold or bartered for general use as a beverage, does not necessarily infringe any right, privilege, or immunity secured by the Constitution of the United States or by the amendments thereto.

Thus under its power to regulate interstate commerce, as involved in the transportation, in original packages, of ardent spirits from one State to another.

And then, of course, it goes into the Rahrer case more completely; but I will leave that for a moment, because I come to the other questions which the Senator from California [Mr. PERKINS] and the Senator from Wisconsin [Mr. SPOONER] and the Senator from Oregon [Mr. FULTON] raised as to the possible abuse of this power. I will read that portion of the decision which the Senator from Wisconsin read. On this point the Supreme Court says:

We decide nothing more in the present case than that lottery tickets are subjects of traffic among those who choose to sell or buy them; that the carriage of such tickets by independent carriers from one State to another is therefore interstate commerce; that under its power to regulate commerce among the several States Congress, subject to the limitations imposed by the Constitution upon the exercise of the powers granted—

And the court says that there was no clause that it could find that limited them—

has plenary authority over such commerce and may prohibit the carriage of such tickets from State to State.

The Senator from Wisconsin [Mr. SPOONER] has admitted, and the court has held, that so far as the power is concerned, excluding the question of policy, the power does not spring from the evil at the beginning or the end of transportation or from the middle of it either.

Mr. President, there are some other cases upon this point, but I do not intend, in view of the lateness of the hour, to give any more time to this particular point. Perhaps as the debate proceeds I shall. But I think I shall be able to convince—I wish the Senator from Rhode Island were here, because it is a point to which I wish to call his particular attention most of all—Senators that Congress has already exercised this power many times.

POWER OVER FOREIGN AND INTERSTATE COMMERCE IDENTICAL.

The reason I ask it is because the Senator from Rhode Island raised this question with me himself, both personally and in debate. Does any Senator, any lawyer—and if he does, I will be glad to hear from him now—contend that the power of Congress over interstate commerce and over foreign commerce is not precisely the same?

If any Senator does so contend, I am compelled to quote

other decisions of the Supreme Court, and I will quote them briefly, to the effect that *they are the same*; and I call the attention of Senators to this. It is conclusive of this case, more conclusive than the Lottery case, though that alone is decisive.

I say that the following cases decide that the power of Congress over interstate commerce is the same as the power of Congress over foreign commerce, and I quote the following authorities:

Gibbons v. Ogden (9 Wheat.), which, of course, is the foundation decision of all interstate-commerce decisions.

The Supreme Court says, through Mr. Justice Marshall, after he had given the definition of the word "regulate" and the word "commerce"—

Mr. ALDRICH entered the Chamber.

Mr. BEVERIDGE. I will say to the Senator from Rhode Island that I promised him that I would cite decisions upon this proposition—because if I am right upon this proposition, this case is settled, even more so than the Lottery case, which settles it entirely aside from the point I am now making—that the power of Congress over interstate commerce is the same as it is over foreign commerce. The first case is that of *Gibbons v. Ogden*.

Says the court, and it is Marshall who is speaking—

If this be the admitted meaning of the word—

That is, the word "commerce"—

in its application—

I want the Senator from Rhode Island to hear these cases, because the Senator was rather worried about this proposition. He said so yesterday and again to-day—

in its application to foreign nations—

Mr. ALDRICH. My doubt upon this subject is shared by the Supreme Court, as I have shown by the extract from the decision which I read, which was delivered recently.

Mr. BEVERIDGE. I want to say to the Senator that that does not conflict, and that the Supreme Court had directly held this thing. The Senator certainly is not unwilling to listen to the decisions of the Supreme Court.

Mr. ALDRICH. Mr. Justice White, who delivered the opinion in the case from which I read, evidently was not aware of the fact the Senator has stated.

Mr. BEVERIDGE. That was the case of *Butterfield v. Stranahan*. It does not hold any such thing, as I shall show.

But listen to the Supreme Court, speaking by its greatest Chief Justice:

If this be the admitted meaning of the word, in its application to foreign nations, it must carry the same meaning throughout the sentence, and remain a unit, unless there be some plain intelligible cause which alters it.

Story—and Story is its greatest commentator—in his work on the Constitution, goes on to tell exactly what the clause does apply to.

Says Story:

It [the interstate-commerce power] extends as well to the navigation of vessels engaged in carrying passengers, and whether steam vessels or of any other description, as to the navigation of vessels engaged in traffic and general coasting business.

Now I come to the point about which the Senator from North Dakota [Mr. McCUMBER] wanted me to answer him. He is not here. Story says:

It [the interstate-commerce power] extends to the laying of embargoes, as well on domestic as on foreign voyages.

Now, then, I read from a Supreme Court opinion, *United States* 141, page 57. It is proper to call it the great case of *Crutcher v. Kentucky*. Up to that time it was undoubtedly one of the most important deliverances, outside of those made by Story and Marshall. It was made by Mr. Justice Bradley, whose masterful ability and attainments are familiar to every lawyer and every schoolboy in the law.

CASE OF CRUTCHER V. KENTUCKY.

That case was where the State of Kentucky required a license from the agent of express companies before permitting them to do any business in that State. Part of the business of the companies in that State was State business and part come in from other States. Of course that was resisted, and the Supreme Court held that such a law was void because it interfered with the power of Congress over interstate commerce, which was *exclusively* in Congress. In discussing this power and the meaning of the words—

Congress shall have power * * * to regulate commerce with foreign nations and among the several States and with the Indian tribes—

The Supreme Court used the following language:

It has been frequently laid down by this court that the power of Congress over interstate commerce is as absolute as it is over foreign commerce.

Is that clear language?

And the court goes on—this is the Supreme Court of the United States speaking, mind you:

Would anyone pretend that a State legislature could prohibit a foreign corporation—an English or a French transportation company, for example—from coming into its borders and landing goods and passengers at its wharves, and soliciting goods and passengers for a return voyage, without first obtaining a license from some State officer, and filing a sworn statement as to the amount of its capital stock paid in?

And why not? Evidently because the matter is not within the province of State legislation, but within that of National legislation. (*Inman Steamship Company v. Tinker*, 94 U. S., 238.) The prerogative, the responsibility, and the duty of providing for the security of the citizens and the people of the United States in relation to foreign corporate bodies, or foreign individuals with whom they may have relations of foreign commerce, belong to the Government of the United States, and not to the governments of the several States; and confidence in that regard may be reposed in the National Legislature without any anxiety or apprehension arising from the fact that the subject-matter is not within the province or jurisdiction of the State legislatures.

And the same thing is *exactly* true with regard to interstate commerce as it is with regard to foreign commerce. No difference is perceivable between the two.

It is not necessary to comment upon that. Language can not be clearer and more explicit.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Rhode Island?

Mr. BEVERIDGE. I do.

Mr. ALDRICH. I suppose the Senator is aware that the power of Congress over foreign commerce does not depend entirely upon the one clause, the commerce clause of the Constitution.

Mr. BEVERIDGE. Certainly I am aware of it. It depends upon two things.

Mr. ALDRICH. And therefore that Congress has a different power and an undisputed power over foreign commerce.

Mr. BEVERIDGE. The power of taxation, undoubtedly. But let me call the Senator's attention to this. The Senator is a great tariff expert, but, *constitutionally*, you have the right to lay taxes, to put on tariffs, under the taxing power, *only for the purpose of revenue*.

When you lay a tariff for *protection* it comes within the commerce clause of the Constitution; and if the Senator doubts that perhaps he and the Senator from Massachusetts have some respect for Mr. Justice Story, who was the greatest commentator upon our Constitution.

That question came up early in our constitutional history. They said a protective tariff was unconstitutional, and the Supreme Court admitted, and Story admits, that it is unconstitutional under the taxing power alone. Under that Congress has power to lay taxes, impose imposts, etc., and nothing else.

But when it comes to *protection*, your power is derived from the interstate and foreign commerce clause of the Constitution, and from that alone. The Senator will find one entire chapter of very interesting reading, demonstrating that fact, in Story on the Constitution. Perhaps the ablest piece of work Mr. Justice Story ever did was to demonstrate that that power existed under the interstate and foreign commerce clause.

Mr. ALDRICH. Has the Supreme Court ever questioned that power of Congress?

Mr. BEVERIDGE. No; and nobody is questioning it now.

Mr. ALDRICH. It is purely within the discretion of Congress; and under the taxing power a duty levied for protection or for whatever purpose may be in the minds of Congress can not be questioned by the court.

Mr. BEVERIDGE. That is what the Senator says; but I am holding up here a book which is the greatest commentary upon the Constitution ever written, wherein a whole chapter is given to an exposition of the reasons why your protective tariff rests not upon the taxing power, but upon the commerce clause.

Mr. ALDRICH rose.

Mr. BEVERIDGE. But pardon me a moment. I do not intend that the Senator shall get away from the decision I just read to him, where the Supreme Court justifies the decision in *Crutcher v. Kentucky* by saying Congress has such and such a power over foreign commerce. If over foreign commerce, then over interstate commerce, because they are one and the same, says the Supreme Court of the United States. Does the Senator admit that that language is clear?

Mr. ALDRICH. The language is clear, but it is not pertinent to the question I am discussing.

Mr. BEVERIDGE. Ah, well; we will see. I will come to the pertinence of it in a minute. The proposition I submit is whether anyone questions that the power of Congress over foreign and interstate commerce is the same?

Mr. KNOX. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Pennsylvania?

Mr. BEVERIDGE. I do.

Mr. KNOX. I am very much interested in the very powerful presentation of the proposition the Senator from Indiana is now discussing, and it is one which has given a great many jurists and lawyers a very great deal of thought in the past, and that is the question whether the power over commerce between the States is the same as the power over foreign commerce; or, in other words, whether the power of Congress is as great over commerce between the States as it is over foreign commerce. I want to ask the Senator from Indiana if this thought has occurred to him: That the Congress of the United States would have absolute and exclusive power over foreign commerce if the words "foreign commerce" were not included in the commerce clause of the Constitution at all? Do we not have that power—power over our foreign relations—by virtue of our existence as a Nation; and is not the whole purpose of the commerce clause of the Constitution to give us the power as between the States and with the Indian tribes?

Mr. BEVERIDGE. I will answer that. The Senator knows much better than I do, because he is much more learned, that this very question has been answered time and time and time again. But I do not think he will find many Senators here this afternoon, in the present temper of the Senate, agreeing with the Senator from Pennsylvania, that we have any "inherent" power at all. I agree with the Senator. I agree that we do have *inherent* power over foreign commerce, and we do not have to repose it upon the foreign-commerce clause of the Constitution.

But I can not agree with the Senator that the framers of the Constitution meant nothing at all when they inserted the words "with foreign nations." I can not agree that those words are surplusage, and I have no right to do so in view of the fact that *every assertion of our power over foreign commerce, whenever it has been questioned, has been justified under the interstate and foreign commerce clause of the Constitution, without one exception.*

Mr. Knox. My suggestion was only meant for the purpose of indicating that there might be a difference between the two powers.

Mr. BEVERIDGE. Then, as to whether there is a difference between the two powers—of course we have had a decision of the Supreme Court questioned here this afternoon—but let me read it again, because it is worth while to read it, for this point, if it is conceded, settles the question.

I read again from the Supreme Court in *Crutcher v. Kentucky*:

It has frequently been laid down by this court that the power of Congress over interstate commerce is as absolute as it is over foreign commerce.

That is clear, is it not?

Mr. KNOX. That suggestion was not necessary to the decision of that case. I know at least a dozen cases where that language has been quoted, but I do not know of a single case—

Mr. BEVERIDGE. I—

Mr. KNOX. I am searching for the truth, exactly as the Senator from Indiana is, and I should like to finish my sentence. I do not know a single case—and I will be under very great personal obligations to the Senator from Indiana if he can indicate a case—where that has been decided, really decided, not merely suggested as a part of the argument upon some other proposition.

Mr. BEVERIDGE. I myself first thought this was obiter, but upon examining it, you will find that it is not; and the reason why Mr. Justice Bradley uses this language is to justify the decision which he makes. It is a part of his method of reasoning. How did he propose to hold unconstitutional the Kentucky law, which was then before the court, which required an agent of an express company to secure a license? He did it by the following reasoning; and even the Senator will admit that if this were obiter, still, in the absence of any definite decision to the contrary on the subject, it would be law, would it not?

Mr. KNOX. I think not. I think obiter is never law.

Mr. BEVERIDGE. I will read it.

Would anyone pretend that a State legislature—

I see that amuses the Senator from New Jersey. I call the attention of the Senator from Pennsylvania to a case where not only obiter, but a dissenting opinion, in the case of *Justice Story*, holding as against all the rest of his colleagues that the power over interstate commerce was exclusive in Congress, afterwards in the course of fifteen years became the law. But to quote the Supreme Court:

Would anyone pretend—

I am going to try to show the Senator that Mr. Justice Bradley rests his whole opinion upon that reason.

Says Mr. Justice Bradley, delivering the *unanimous* opinion of the Supreme Court of the United States:

Would anyone pretend that a State legislature could prohibit a foreign corporation—an English or a French transportation company, for example—from coming into its borders and landing goods and passengers at its wharves and soliciting goods and passengers for a return voyage without first obtaining a license from some State officer and filing a sworn statement as to the amount of its capital stock paid in? And why not? Evidently because the matter is not within the province of State legislation, but within that of national legislation. (*Inman Steamship Co. v. Tinker*, 94 U. S. 238.)

The prerogative, the responsibility, and the duty of providing for the security of the citizens and the people of the United States in relation to foreign corporate bodies or foreign individuals with whom they may have relations of foreign commerce, belong to the Government of the United States and not to the government of the several States; and confidence in that regard may be reposed in the National Legislature without any anxiety or apprehension arising from the fact that the subject-matter is not within the province or jurisdiction of the State legislatures.

And the same thing is exactly true with regard to interstate commerce as it is with regard to foreign commerce. No difference is perceptible between the two.

Mr. KNOX. Mr. President—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Indiana yield to the Senator from Pennsylvania?

Mr. BEVERIDGE. Certainly.

Mr. KNOX. I only want to state this for the purpose of keeping myself right and to give the Senator some information.

I had something to do with the Lottery case. The final argument was made when I was Attorney-General, and I had something to do with the preparation of the case; and the reason why I say I would be under personal obligations for a direct decision upon the proposition that the control over interstate commerce is just the same as it is over foreign commerce, is because we used every one of those cases which the Senator has cited and we worked every one of those statements for all they were worth in order to get the court to base the decision in the Lottery case upon that ground, which would have been conclusive ground, and would not have necessitated the court going elsewhere. But if the Senator will examine that decision, he will see they put it on other grounds.

Mr. BEVERIDGE. In the lottery decision, the court did expressly state that the power to regulate involved the power to prohibit, and that the power of prohibition was not only necessarily involved, but also had been exercised.

Mr. KNOX. To prohibit in that case under its peculiar facts.

Mr. BEVERIDGE. No; they cited several other instances—the transportation of alcoholic liquors, for example, or of infected cattle, although there might be property rights in the infected cattle.

CASE OF *BROWN v. HUSTON* ON IDENTITY OF POWER OVER FOREIGN AND INTERSTATE COMMERCE.

In *Brown v. Houston* the Supreme Court of the United States uses this language:

The power to regulate commerce among the several States is granted to Congress in terms as absolute as is the power to regulate commerce with foreign nations.

I think the Senator from Rhode Island will not be able to find, with a good deal of research, any language more clear and emphatic than that.

In the case of *Stockton v. Baltimore, etc., Railway Company* (32 Fed. Rep.), while the language is not so clear and emphatic, there are some things which ought to be quoted:

Says the court—and this judge was later one of the justices of the Supreme Court of the United States, and one of its greatest justices; I was taught, as a law student, to admire and revere him—says this great lawyer:

We think that the power of Congress is supreme over the whole subject—

Over interstate commerce—

unimpeded and unembarrassed by State lines or State laws; that, in this matter the country is one, and the work to be accomplished is National, and that State interests, State jealousies, and State prejudices do not require to be consulted. IN MATTERS OF FOREIGN AND INTERSTATE COMMERCE THERE ARE NO STATES.

Can human tongue frame language more emphatic than these words of the Supreme Court of the United States?

Now, I have cited from Chief Justice Marshall, in *Gibbons v. Ogden*, clear down to 141 United States, the definite, clear, direct, unconfused statement of the Supreme Court that *the power over foreign and interstate commerce is the same.*

Senators may explain one quotation upon the ground that it is obiter dictum.

Senators may say, in another place, the court has no business to put it in.

Senators may say that the reasoning of Chief Justice Marshall was entirely wrong. But I have nothing to do with that; that is the quarrel of the Senators with the Supreme Court.

If in the efforts of Senators to resist the power of Congress to prohibit this great National evil they want to resort to those things, they can. All that it is necessary for me to do is to cite the direct decisions of the Supreme Court upon this matter.

Without a dissenting word, in language as clear as any court ever used, they have held the power over *interstate and foreign commerce* to be the same. It was not necessary for me to make this point at all, after the decision in the Lottery case and the Forty-three Gallons of Whisky case.

But if—aside from the Lottery case—if the language of the Supreme Court in *Cruthers v. Kentucky* and the other cases I have cited is correct, we have already done all that I ask the Senate to do. Because in the Dingley law there is a provision which I will read. It is the same thing in the McKinley law.

I have here in my hand a list of the members of the Finance Committee of the Senate and of the Ways and Means Committee of the House, who inserted this provision, and it was inserted *without any party division*.

No lawyer found anything unconstitutional in this, although this clause of the tariff law does not fall at all within the *taxing power*; it is *exclusively* under the power over *foreign and interstate commerce*. The paragraph is as follows:

GOODS MADE BY CONVICTS EXCLUDED; WHY NOT GOODS MADE BY CHILDREN?

SEC. 31. That all goods, wares, articles, and merchandise manufactured wholly or in part in any foreign country by convict labor *shall not be entitled to entry* at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.

So that in our laws to-day, without a dissenting vote in either House of Congress, coming *absolutely and exclusively* under our power over *foreign commerce* and not under the *taxing power* at all, we have *prohibited* the importation of convict-made goods. Now, if all these decisions of the Supreme Court are not wrong and foolish, if what they say is true, that our power over *interstate commerce* is the same as over *foreign commerce*, then we have the power over interstate commerce to do what we have done over foreign Commerce.

Very well. Then we have the power to exclude from interstate commerce convict-made goods, as we have already excluded from foreign commerce convict-made goods. And if we have a right to exclude from interstate commerce goods made by *convicts*, we have a right to exclude goods made by *children* and the murder of children.

Mr. BACON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Georgia?

Mr. BEVERIDGE. I do.

Mr. BACON. Before the gentleman concludes I desire—

Mr. BEVERIDGE. I am not through yet. I would have been through long ago—

Mr. BACON. I—

Mr. BEVERIDGE. Go ahead.

Mr. BACON. I desired to interrupt the Senator before he concluded. I wish to correct a statement of fact made by the Senator in the course of his remarks, with his permission.

Mr. BEVERIDGE. Yes.

Mr. BACON. Yesterday, Mr. President—and I am now about to read from the stenographer's report of what he said and what I said—the Senator from Indiana was speaking of conditions in the State of Georgia and the number of children who were engaged in the mills in that State, and the question of the efficiency of the Georgia law regulating child labor came under discussion. I asked the Senator this question:

I should like to ask the Senator, as he seems to have exhaustively studied the question, if he is prepared to state how many children in Georgia under 12 years of age or under 14 years of age are to-day employed in the mills?

Mr. BEVERIDGE. I will answer the Senator even more directly than that. I will state that under the new law, which went into effect this very year, there had been applications for the employment of children up to last week in the county clerk's office—I believe it is in Atlanta, or whichever is the greatest city in your State—for 3,000 children, just as there were in Maryland applications since the new law went into effect there for 11,000 children, 1,200 of which were affected, although the census shows there were only 5,000 children of that age at work after the law went into effect on the first of the year, and I shall present it. There have been applications for more than 3,000.

Mr. BACON. How many of the applications have been granted?

Mr. BEVERIDGE. All were granted.

Mr. BACON. Has the Senator any evidence that they were all granted?

Mr. BEVERIDGE. Yes, sir.

Mr. President, the Senator then—

Mr. BEVERIDGE. I was mistaken about that. I presented the facts later in my speech.

Mr. BACON. Very well; I now have the facts definitely in

my possession. The Senator then went on to read an extract from an article which had appeared in the Atlanta Journal.

Mr. BEVERIDGE. I prefer that the Senator would make his statement after I get through.

Mr. BACON. I will not take much of the time of the Senator; I will be through in two or three minutes.

Mr. BEVERIDGE. All right.

Mr. BACON. The Senator read an article from the Atlanta Journal to the effect, not in the way of a statement by the ordinary, who I may state is the probate judge—that is the title given to him there—that it was estimated by him that during the current year—

Mr. BEVERIDGE. I read that statement.

Mr. BACON. I hope the Senator will let me proceed. I will not take more than two or three minutes. That during the current year it was estimated there would be between two and three thousand applications.

I asked the Senator this morning if he had any further evidence of the correctness of the statement which he had made, to wit, that 3,000 applications had been made and all of them had been granted, than the evidence which he read from the Atlanta Journal, and he said he had no other.

I then telegraphed to Atlanta for the purpose of getting the facts, and it is for the purpose of reading these telegrams that I took the liberty of interrupting the Senator.

I have, first, a telegram from the Hon. Madison Bell, a member of the State legislature of Georgia, and who assisted in the framing of the State law, and here is what he says about it after having made an investigation:

BEVERIDGE entirely ignorant of provisions and effect of the child-labor law.

The Senator went on to state that there was no provision for an inspection.

Mr. BEVERIDGE. Go on and read your telegram, since you are going to read that kind of a statement. I want to get through with this speech; but go ahead.

Mr. BACON. I am very much obliged to the Senator.

Grand juries in each county have special authority to inspect, and must see that law is enforced.

Here is the particular part:

Ten permits only by Ordinary Wilkinson, of this county. Can prove that thousands of children have been freed from the mills in this State since January 1, 1907.

MADISON BELL.

For whose character in every regard I most unqualifiedly vouch.

Now, here is a telegram from the ordinary himself, who, as I stated, is probate judge in charge of this matter.

Mr. BEVERIDGE. He confirms Bell, I suppose.

Mr. BACON. It is addressed to me. It goes on to say in response to my telegram:

Assertion in Senate as to application for exception certificates under child-labor law incorrect, as only ten applications have been granted in Fulton County, and the officers of the mills and factories affected by the law are desirous of having it enforced.

JOHN R. WILKINSON,
Ordinary, Fulton County.

Mr. President, if the Senator is as wide of correctness as to the other facts he stated as he was when he stated that 3,000 applications had been made and 3,000 applications had been granted, I think it is necessary that he should supervise his evidence to some extent.

Mr. BEVERIDGE. I wish to say in answer to that that it was unnecessary for the Senator to take my time, when I am trying to get through my speech, to state that, *because I myself read, as soon as I could find it among the mass of papers that the Senator saw upon my desk, the extract from the Atlanta Journal, from his own city, upon which my statement was made. So the correction of the statement was made almost as soon as the error itself was made.*

Now, as to the statement of the gentleman, in the telegram, which is entirely gratuitous, that I am ignorant of the provisions of that law, neither he nor anyone else who reads that absurd statute can be ignorant of it. I state to the Senator now that every statement that I have made concerning this outrage of child labor in Georgia is supported by the affidavits of men and women who have personally investigated it.

Mr. BACON. Now, Mr. President—

Mr. BEVERIDGE. I am not going into any debate right now.

Mr. BACON. The Senator will certainly permit me to correct one thing?

Mr. BEVERIDGE. No; I will not now. I will after I get through.

Mr. BACON. When the Senator gets through he can not, because there is another order.

Mr. BEVERIDGE. It does not make any difference—

Mr. BACON. I want to call attention to the fact—

Mr. BEVERIDGE. The Senator might have made his statement to-morrow or any other time.

Mr. BACON. The Senator's statement is incorrect to the extent of the difference between three thousand and ten.

Mr. BEVERIDGE. It is not the difference between three thousand and ten.

Mr. BACON. All right.

The PRESIDING OFFICER. Senators will be in order.

Mr. BEVERIDGE. The correction was made almost as soon as the error itself was made.

Mr. BACON. The Senator has not corrected the statement—

Mr. BEVERIDGE. If the Senator from Georgia and the people of his State are satisfied with the law, all I have to say is that people from his State who have investigated it are not.

Mr. BACON. Mr. President—

Mr. BEVERIDGE. I refuse to yield to the Senator any further.

Mr. BACON. Whenever a State is not satisfied with the law, it is capable of amending it, and it will do it.

Mr. BEVERIDGE. I further state that two or three times—I do not know how many times, but at least once, and I will confine it to that—in the State of Georgia the effort was made to defeat any effective law, and it was successful; and at another time a law which might have been made effective was not properly enforced.

Mr. BACON. I challenged the Senator to embody it in his speech, and he would not permit me.

The PRESIDING OFFICER. The Senator from Indiana declines to yield.

Mr. BEVERIDGE. Now, Mr. President, if, then, the power of Congress over foreign commerce and interstate commerce is the same, and by virtue of the former we have prohibited convict-made goods, we may also prohibit the transportation of convict-made goods in interstate commerce. But if convict-made goods may be prohibited in interstate commerce, then why can we not also prohibit child-made goods?

CONGRESS HAS FREQUENTLY EXERCISED POWER OF PROHIBITION UNDER COMMERCE CLAUSE.

Mr. President, I have shown that under the interstate-commerce clause of the Constitution the Supreme Court has time and again held that it meant the power to prohibit the transportation in interstate commerce of such articles as in the judgment of Congress were inimical to the interests of the Nation. We have done that, and I propose to call the attention of the Senate to some of the statutes by which we have done it, where there was no reference to any committee of the question of its constitutionality, although it was a prohibition direct, plain, and undisguised.

For instance, in foreign commerce we have had our embargo laws.

We have prohibited the importation of slaves.

We have prohibited the importation of counterfeit coins.

And we have prohibited the importation of convict-made goods.

I am sorry the Senator from South Carolina and other Senators who have said that they are so greatly interested in amending this evil are not here. We have passed a large number of laws, many of them quite exceptional, prohibiting interstate commerce in certain articles.

For example, the act of August 2, 1882, prohibits the transportation in interstate commerce of nitroglycerin in any vessel. The question of its being an explosive has something to do with the policy of prohibiting it, but not with the power of prohibiting it, for we in the same law permit its transportation within the limits of a State.

The act of March 31, 1900, prohibits the transportation of explosive materials in any vessel or vehicle in interstate commerce.

The act of July 1, 1902, prohibits the introduction or sale by another State of dairy or food products which have been falsely labeled or branded.

Now, there is an article of commerce that had nothing the matter with it, so far as hurting the health of the people was concerned.

The only objection to oleomargarine was, if they colored it, although the color was entirely healthful, still it fooled the people into thinking it was butter. So we can not say it was affecting the health or the morals of the people and that therefore the power arose from that fact.

The power was exercised because it was absolute; and in the policy of Congress, in our wisdom, we thought it was a wise measure and beneficial to the "interests of the Nation" to exercise that power, and so we did it.

The act of February 3, 1903, prohibits transportation in inter-

state commerce of cattle without a certificate from the inspector of the Agricultural Department. And this, although a man has an absolute right to his property, and his property amounts to nothing less he can transport it; yet Congress, acting under the power of prohibition in the interstate commerce clause, has prohibited the transportation of cattle without a certificate whether those cattle are diseased or wholesome. So we see that the power does not spring from that.

Then, again, we have the act of February 21, 1905. On examining the debate I find that the senior Senator from New Jersey [Mr. KEAN], who now occupies the chair, was the Senator who had charge of passing the bill through the Senate. It prohibits the transportation in interstate commerce of gold and silver goods with the words "U. S. Assay" or any similar words.

And this was solely under the interstate-commerce clause of the Constitution. When the bill came in it was referred to the Interstate Commerce Committee. It was reported back by that committee. We had absolutely no power whatever to pass that law except under the interstate-commerce clause of the Constitution.

There was nothing whatever in the gold and silver goods that could hurt the morals of the people, as was the case in regard to lottery tickets. The only point was to protect some manufacturers of New Jersey and New York who did not want the words "United States Assay" put upon anything, and because those words had been put upon some importations that were then sent through interstate commerce.

But if we have the power to prohibit the transportation of gold and silver goods with the words "U. S. assay" upon them, which do not hurt the physical condition or morals of the people any place, and passed a law merely to protect the manufacturers of New York, have we not a right to prohibit the transportation of child-made goods from one State to the other, so far as the power is concerned?

What have Senators who are troubled about the question of power to say about that law? Nobody questions it.

Again, the act of March 3, 1905, prohibits the transportation of loose hay and other highly combustible materials on passenger steamers. That is exclusively under the interstate-commerce clause of the Constitution and not under any other provision of the Constitution whatever.

If as a matter of power we can prohibit the transportation of loose hay, the only reason for it being a matter of policy—it might get afire—why as a matter of power can we not prohibit the transportation of child-made goods? Does it not subserve the "interests of the Nation," as Chief Justice Marshall says, and is not more involved in the ruin of our citizenship than in the possible burning of a steamer or the possible affecting of the business of some watch factories in New Jersey and New York?

The act of February 21, 1905, prohibits the transportation by carriers of interstate commerce of obscene books, and this although the Constitution expressly guarantees "freedom of speech;" and it has been held that printing is as much "speech" as spoken words by the tongue.

Yet, although the Constitution absolutely guarantees "freedom of speech," nevertheless we have prohibited, in spite of that guaranty, the transportation by the channels of interstate commerce of obscene literature, when that is held by the courts to be "speech" as much as anything else. We did that under the interstate-commerce clause as a matter of power and because it subserved the "interests of the Nation," as Marshall says, as a matter of policy.

The act of March 3, 1905, prohibits the transportation in interstate commerce of quarantined cattle, this quarantine being established by the Agricultural Department within the United States. And this, mind you, although the cattle might be sound and their transportation and sale "a matter of right," to use the language of the Supreme Court of the United States in the Lottery case.

The act of March 3, 1905—and I call the attention of the junior Senator from South Carolina [Mr. LATIMER] to this act—prohibits the transportation by carriers of interstate commerce of insects of a certain kind.

THESE LAWS PROHIBITING INTERSTATE COMMERCE PASSED WITHOUT QUESTION.

I have the debates on all these laws here. I looked them up very carefully. I wondered why it was that, when we proposed to prohibit the transportation by interstate carriers of the boll weevil, nobody raised a constitutional question. The senior Senator from Texas [Mr. CULBERSON] was present, I find. The Senator from Georgia [Mr. BACON] was present, I find. The junior Senator from South Carolina [Mr. LATIMER] had the bill

in charge. The senior Senator from Texas did not know whether he was going to object or not, but he never stated any constitutional objection to it.

And, ah, yes! the Senator from Wisconsin [Mr. SPOONER], who tells us he is so "troubled" about the "extension of national power;" that he is so concerned about how far we are going to go in including articles in interstate transportation—the senior Senator from Wisconsin—was present. Yet *nobody* made any objection whatever to the passage of that bill, which is now a law, and the *constitutionality of which has never been questioned*. It absolutely prohibits the transportation of certain insects by interstate commerce.

What does the Senator from Rhode Island [Mr. ALDRICH], who says that the commerce clause of the Constitution means only to "regulate," and not to *prohibit*; what does the Senator from Wisconsin, who gets so excited and says that it is a serious thing to say that the word *prohibit* should be read into the word *regulate*—what do those Senators say about that statute?

Mr. President, if we have not the power, the act which you (Mr. KEAN in the chair) got through the Senate and which you were in charge of and the acts which other Senators presented in the Senate and which were voted upon *without objection*, are all unconstitutional. Are Senators willing to say that?

If we have the power to *prohibit* the transportation in interstate commerce of cattle *without a certificate, well or ill*; if we have the power to *prohibit* the transportation of certain insects; if we have the power to *prohibit* the transportation of loose hay in vessels; if we have the power to *prohibit* the transportation of gold and silver goods merely because they have two words on them, and all under the interstate-commerce clause; if we have the power to *prohibit* convict-made goods, why have we not the power to *prohibit* the transportation in interstate commerce of child-labor-made goods?

So far as the question of *power* is concerned, in none of these cases that I have shown did the *power* come, in a single instance, from the evil of the article prohibited. As a matter of *policy* we enacted those laws because they were good for the "interests of the Nation." But if it is good for the "interests of the Nation" to *prohibit* the transportation of insects from State to State; if it is good for the "interests of the Nation" to *prohibit* the importation of convict-made goods; if the *power* over interstate commerce equals the power over foreign commerce, as the Supreme Court has said, unless it is overruled by a subcommittee of the Senate; if we have the *power* to *prohibit* convict-made goods in interstate commerce, as we have; if we have actually *prohibited* the transportation of gold and silver merely because they had two words which inconvenienced the business of certain men in New York and New Jersey, all upon the theory that it affected the "interests of the Nation," to again use Chief Justice Marshall's famous phrase, how much more have we got the *power* to *prohibit* the transportation in interstate commerce of child-made goods which affect the "interests of the Nation," aye, and the perpetuity of the Nation?

Gentlemen grow excited about refinements. I ask them to explain the laws that are on the statute books. Why did we never hear before of any "danger of the extension of the Federal power" when you were enacting those statutes? Why is it that only when we attempt to stop the murder of children and the debasement of our race and the ruin of our citizens by *prohibiting* the transportation of child-made goods in interstate commerce that Senators are aroused in defense of an artificial liberty?

THE ABUSE OF POWER ARGUMENT.

Now, Mr. President, every question that has been put to me this afternoon has that one argument as its basis, and that one that it so old and familiar that hardly any lawyer needs to look up any authorities upon it. The Senator from Wisconsin says:

"Well, if you can do this, can you not also compel all the people of the United States to join the labor union?"

And the Senator from California says:

"Well, if you can do this, can you not also pass a law prohibiting the transportation in interstate commerce of the labor of men and women over 50?"

Another man says: "If you can do this, can you not also prohibit the transportation in interstate commerce of milk from a bay cow milked by a redheaded girl?" and all the rest of these things.

In short, if you admit the existence of the *power* at all, where, says the Senator from Wisconsin, will its exercise end? Well, Mr. President, that very question was taken up, and taken up early in our judicial history, and answered. I am not going to take up very much time on it, it is so old and so familiar.

When it was first taken up this whole thing was foreseen.

Undoubtedly the greatest man that we ever had on the Supreme Bench of the United States was Chief Justice Marshall. George Washington thought him so. He anticipated all these questions, because these same arguments were made to him.

The Senator from Wisconsin need not think he is stating any new thing. The questions which the Senator from North Carolina says loom up like some shadows of doom, or something like that, for we are used to such rhetoric—the question which the Senator from California asks—all these methods of reasoning are not new.

You have not discovered any new "specter" in any argument against the existence of *power* on account of its possible *abuse*. The resourceful lawyer of long ago anticipated you. All those things were heard from before the foundation of the Government, and answered in the very earliest decisions of the Supreme Court. After holding that the *abuse* of the power was no argument against its *existence*, the Supreme Court, through Mr. Justice Marshall, proceeds to tell us where the safety lies; he proceeds to tell us where the *restraint* is; he proceeds to tell us "where we are going to end," and it is the plain answer that might occur to anyone. But, of course, we could not expect it to occur or even be remembered by lawyers who dispute the correctness of the decisions of the Supreme Court of the United States.

Here is how Chief Justice Marshall, delivering the unanimous opinion of the Supreme Court of the United States, disposed of this "grave objection" which so "troubles" some Senators:

The wisdom and the discretion of Congress, their identity with the people, and the influence which their constituents possess at elections, are, in this, as in many other instances, as that, for example, of declaring war, the sole restraints on which they have relied to secure them from its abuse. They are the restraints on which the people must often rely solely in all representative governments. (*Gibbons v. Ogden*, 9 Wheat., p. 197.)

There is the answer to the argument that the *abuse* of power is an argument against its *existence*. The remedy for all of our excesses of power is in the hands of our constituents at the ballot box, says the Supreme Court of the United States, through the inspired lips of Chief Justice Marshall.

Nor is that the only case. In *Gilman v. Philadelphia* it is said by the Supreme Court of the United States:

If it be objected that the conclusion we have reached will arm the States with authority potent for evil, and liable to be abused, there are several answers worthy of consideration. The possible *abuse* of any power is no proof that it does not exist.

I hope Senators will listen to that.

Many *abuses* may arise in the legislation of the States which are wholly beyond the reach of the government of the Nation. The safeguard and remedy are to be found in the virtue and intelligence of the people. They can make and unmake constitutions and laws, and from that tribunal there is no appeal. If a State exercise unwisely the power here in question, the evil consequences will fall chiefly upon her own citizens. They have more at stake than the citizens of any other State. (*Gilman v. Philadelphia*, 3 Wallace, 731.)

And again:

All power—

Says the Supreme Court in *Brown v. The State of Maryland*, which is one of the dozen great decisions of the Supreme Court—

All power may be abused, and if the fear of its *abuse* is to constitute an argument against its *existence*, it might be urged against the *existence* of that which is universally acknowledged and which is indispensable to the general safety. (*Brown v. State of Md.*, 12 Wheat., p. 265.)

Now, here is the last utterance of the Supreme Court upon this subject. I do hope I will have the attention of the Senate because the whole argument against this bill is this:

"If we can do this, what else can we not do?"

I am sorry the Senate does not seem to want to hear the extent of our power, as decided by the Supreme Court of the United States. We passed the bill to *prohibit* interstate commerce in insects and gold and silver goods, and nobody ever imagined we had not the *power*. Why are we so impatient, when it comes to ending the murder of children, to hear the extent of our power, as defined by the Nation's supreme tribunal?

Says the Supreme Court in the famous "Lottery case:"

But, as often said, the possible *abuse* of a power is not an argument against its *existence*. There is probably no governmental power that may not be exerted to the injury of the public. If what is done by Congress is manifestly in excess of the powers granted to it, then upon the courts will rest the duty of adjudging that its action is neither legal nor binding upon the people. But if what Congress does is within the limits of its power, and is simply *unwise* or *injurious*, the remedy is that suggested by Chief Justice Marshall in *Gibbons v. Ogden*, when he said—

What I have already read.

So, Mr. President, there is the complete answer, not in one quotation from the Supreme Court, but by many, the argument, and the *only* argument that we have heard here or will ever hear against the existence of this power, to wit: That "if we admit that we have the power to do this then we have the

power to do a great many foolish things;" and the possible abuse of a power is no argument against its existence.

EXAMPLES OF ABUSE OF POWER ARGUMENT REDUCTIO AD ABSURDUM.

Mr. President, if that were the case where would we be? For example, you might say that because we have the power to require interstate carriers to keep books in a certain way—which we have done—therefore we have power to require their servants to wear a certain kind of uniform; and, so, that the power to require them to keep books in a certain way does not exist merely because if it does exist the power to do the other foolish thing would exist. But that is absurd. We have the power, but it would be an absurd thing to do it, and we would not do it; and if we should do it the remedy is in the hands of the people at the ballot box, and they would put us out of office.

You might as well say that you have no power to require interstate carriers to use the block signals, because, if we have power to require them to use the block signals we would also have the power to require them to station a man with a red lantern at every hundred feet. But that would be absurd. We have the power, but we would not pass a law requiring them to station men at every hundred feet with red lanterns because it would be absurd, and if we did such a thing as that the people would put us out of office.

And yet that is the argument used against this bill. The argument that is used against this bill can exclude, by the process of reductio ad absurdum, the power to require us to compel interstate carriers to use the block signals, because if we admit we have that power then we might require them to place a man with a red lantern every hundred feet.

Mr. President, if we have the power to require automatic couplings—and we have actually exercised that power—we also have the power to require all the railroads to use electric engines, which is absurd. Therefore, according to the argument of the Senator from Wisconsin, we have no such power to require them to use automatic couplings, because if we admit that power we must admit that it might be exercised unwisely. "Where is the limit?" asks the Senator from Wisconsin. The limit is in our common sense and in our responsibility to our constituents. If we do exercise our power unwisely the remedy is in the hands of the American people at the ballot box.

WHY ARE WE SO FEARFUL OF OURSELVES?

Why is it that gentlemen are afraid of what we here may do? Are we a conspiracy against the people of the United States? And if we are, have the people of the United States no control over their Government themselves? Why are we afraid of ourselves? Do we not come from and represent the people and are we not answerable to them solely? If not, whom do we come from and to whom are we answerable?

The Senator from Wisconsin made the proper answer to the Senator from Texas to the absurd question that he asked me when he said it is "an impossible question; it is not to be believed that Congress will ever pass such laws," said the Senator from Wisconsin. That is what he said in the debate on the oleomargarine bill, which benefited the dairymen of Wisconsin. And yet he asks the same question now that he answered then, although this law benefits the Nation and all humanity.

Now, Mr. President, because I want to conclude, I am going merely to hold up and refer first to three laws that we passed last year—first, the meat law, which actually goes into the factories of a State and requires National inspection and prohibits the transportation of meats that are not inspected. It does not prohibit the transportation of diseased meats alone, mind you. That is not the power. It prohibits the transportation of all meat, wholesome or unwholesome, that is uninspected. If the meat is wholesome but uninspected and injures nobody at either end of the line, still it is prohibited.

So the power does not spring out of the nature of the commerce. Is any member of the subcommittee of the Judiciary Committee of the United States Senate—one of whom has overruled the Supreme Court this afternoon—proposing to question the validity of the meat law?

Why were not these laws I have cited, which prohibit interstate commerce in certain things, referred to the Judiciary Committee as to their constitutionality? The meat bill is far more questionable in its constitutionality than the child-labor bill.

Here is the railroad-rate law, Mr. President. It is positively packed with illustrations about the absurdity of the argument of the abuse of power. For example, it says here that the Commission may, upon any notice it pleases, do so-and-so. Well, if upon any notice, then upon one hour, or one second, or the fraction of a second; and, therefore, I suppose the power does not exist. But it is not to be supposed that the Interstate Com-

merce Commission is going to do a foolish and unreasonable thing. That is the answer to that. But if they—the Interstate Commerce Commission—are not supposed to act foolishly and unreasonably, are we supposed to act foolishly and unreasonably—we, the Senate of the United States? Yet the Senators seem to fear that we will, although they are sure the Interstate Commerce Commission will not, because we have armed that body with power to act very foolishly indeed.

So, Mr. President, it is not a question of power. The power we have. It has been so held by decision after decision of the Supreme Court of the United States, which the Senator from Wisconsin [Mr. SPOONER] this afternoon could only avoid by saying that one decision of the United States Supreme Court is wrong. It has been exercised by ourselves in over a dozen cases by express statute, directly and emphatically prohibiting the transportation in interstate commerce of any articles that Congress thought it was wise to prohibit.

So the power exists. It is a question of policy. But, Mr. President, all the time taken by me has been wasted if I have not demonstrated to the Senate that if we had the power it is not only good policy, but it is a matter of duty for us to pass the law which will end this infamy, which is existing in this country as greatly to-day as it did in England one hundred and ten or one hundred and fifteen years ago.

I find no difficulty, having gone through these debates—having gone through these decisions. Senators seem to think that the words "delegated power" and "constitutional government" are some mysterious means by which the progress of the people and the safety of the people are impeded. It is a curious thing to me that in not one of these instances was the constitutionality of any statute raised where no business interests were affected by it.

It is a curious thing to me that every constitutional fight that has been made in the Supreme Court has always been made against laws prohibiting something in interstate commerce only when some business interest was affected by it.

Mr. President, all the subjects we have before us are important, but not one of them is a fraction as important as the suppression of this great evil, which involves the crime of murder, and which involves the degeneracy of American citizens by not only thousands, but by the hundred thousand. I do not think of any difficulty in prohibiting and relieving it by this method.

PURPOSE OF FREE INSTITUTIONS.

Why, Mr. President, when I think about these things I sometimes wonder what is the purpose of these "free institutions" about which we talk so much. Why was it that this Republic was established? What does the flag stand for?

Mr. President, what do all these things mean? They mean that the people shall be free to correct human abuses.

They mean that men and women and children shall day by day grow stronger and nobler.

They mean that we shall have the power to make this America of ours each day a lovelier place to live in.

They mean the realities of liberty, and not the academics of theory.

They mean the actual progress of the race in the tangible items of real existence, and not the theoretics of disputation.

If they do not mean these things, Mr. President, then our institutions, this Republic, our flag, have no meaning and no reason for existence.

Mr. President, to see this Republic of free and equal men and women grow increasingly, with each day and year, as the mightiest power for righteousness in the world has been, and is, and always will be, I pray God, the passion of my life—a Nation of strong, pure human beings; a Nation of wholesome homes, true to the holiest ideals of man; a Nation whose power is glorified by its justice, and whose justice is the conscience of scores of millions of free, strong, brave people.

It is to make this people such a Nation that all our wars have been fought, all our heroes have died, all our permanent laws have been written, all our statesmen have planned, and our people themselves have striven.

It was to make such a Nation as this that the old Articles of Confederation were thrown away and the Constitution of the United States, about which we debate so much, was adopted.

Mr. President, it is to make this Nation still surer of this holy destiny that I have presented this bill to stop the murder of American children and the ruin of future American citizens. [Applause in the galleries.]

During the delivery of Mr. BEVERIDGE'S speech,

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 7709) to revise, codify, and amend the penal laws of the United States.

Mr. FULTON. When I called up this bill the other day and it was placed before the Senate, I doubted somewhat whether we would be able to give it consideration at the present session, but I hoped we might be able to do so. I have now become satisfied that it will not be possible to give it that consideration which the importance of the measure requires, and, so far as I am concerned, I am not willing to hold it here in a position where it interferes with other business when there is no reasonable chance for its consideration. I have therefore concluded to ask that it may go to the Calendar.

Mr. PERKINS. Under Rule IX?

Mr. FULTON. Under Rule IX.

The VICE-PRESIDENT. At the request of the Senator from Oregon the bill will go to the Calendar under Rule IX.

At the conclusion of Mr. BEVERIDGE's speech,

Mr. CARTER. Mr. President, on yesterday afternoon a unanimous-consent agreement was reached, which I regret to say has turned out to be somewhat in conflict with the previous arrangement of the Senator from Maine [Mr. HALE]. In view of the conflict, which unhappily sprung up between that unanimous-consent agreement and the desires of the Senator from Maine, I will for this evening waive the privilege accorded to me by unanimous consent, to the end that the appropriation bill in charge of the Senator from Maine may be proceeded with.

At this time I beg to announce that, if the convenience of the Senate will permit, I shall submit some observations immediately after the closing of the morning-business-to-morrow.

Mr. HALE. Mr. President, I did not, of course, propose to interfere with the Senator from Montana [Mr. CARTER], but on account of what he has said, I now ask that the diplomatic appropriation bill be laid before the Senate.

Mr. CARMACK. Mr. President, I simply wish to say that, if it be entirely agreeable to the convenience of the Senate, I shall to-morrow, after the Senator from Montana [Mr. CARTER] has concluded, submit a few remarks upon the subject which has been discussed this evening by the Senator from Indiana [Mr. BEVERIDGE].

Mr. GALLINGER. Mr. President, I simply wish to suggest to both the Senator from Montana [Mr. CARTER] and the Senator from Tennessee [Mr. CARMACK] that there is a bill on the Calendar, which was reported on June 18, 1906, which is a very important matter, and that I have given notice two or three different times that I would ask consideration for it. My last notice was that I should ask to have the bill taken up to-morrow. I presume, however, we can adjust the matter between ourselves.

Mr. CARMACK. I shall not seek to interfere with that bill or with anything else of importance.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I now move that the Senate proceed to the consideration of the diplomatic and consular appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 24538) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1908; which had been reported from the Committee on Appropriations, with amendments.

Mr. HALE. Mr. President, I ask unanimous consent that the first formal reading of the bill be dispensed with, that the bill be read for amendment, and that the amendments of the Committee on Appropriations may be first acted upon.

The VICE-PRESIDENT. In the absence of objection, that course will be pursued.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, in schedule A, under the subhead, "Salaries of ambassadors and ministers," on page 3, line 1, after the words "consul-general to," to strike out "the Dominican Republic" and insert "Santo Domingo;" so as to make the clause read:

Minister resident and consul-general to Santo Domingo, \$10,000.

Mr. BACON. I should like to ask the Senator from Maine if the item just read, fixing the salary of the minister resident and consul-general to Santo Domingo at \$10,000, comes from the other House? I also ask him whether or not that is a change in existing law?

Mr. HALE. The House of Representatives has put up all of these salaries, which heretofore have been \$7,500, to \$10,000.

Mr. KEAN. Yes; all of them.

Mr. HALE. That has been done in all these cases, and the committee of the Senate accepted the action of the House.

Mr. BACON. I simply asked for information. The proposition, then, is not to merely increase the salary in this particular case?

Mr. HALE. No; to increase it in all of these instances.

Mr. BACON. Very well.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 3, line 12, after the word "dollars," to insert the following proviso:

Provided, That the provision in the diplomatic and consular appropriation act, approved March 1, 1893, that "whenever the President shall be advised that any foreign government is represented, or is about to be represented, in the United States by an ambassador, envoy extraordinary, minister plenipotentiary, minister resident, special envoy, or chargé d'affaires, he is authorized, in his discretion, to direct that the representative of the United States to such government shall bear the same designation," is hereby repealed.

The amendment was agreed to.

The next amendment was, under the subhead "Salaries of secretaries of embassies and legations," on page 4, line 9, after the word "Portugal," to strike out "the Dominican Republic" and insert "Santo Domingo;" so as to make the clause read:

Secretaries of legation to Bolivia, Chile, Colombia, Cuba, Denmark, Guatemala, Honduras and Salvador, Liberia, Morocco, Norway, Panama, Peru, Portugal, Santo Domingo, Spain, Sweden, Switzerland, and Venezuela, at \$2,000 each, \$36,000.

The amendment was agreed to.

The reading of the bill was continued to the end of the clause in relation to the salaries and necessary expenses of the judge and district attorney of the United States court for China, on page 17, line 12.

Mr. BACON. Mr. President, I should like to ask the Senator from Maine whether the clause that provides for the expenses of the judge of the United States court for China is guarded in the same way that the Appropriations Committee, I think, subsequent to the impeachment trial of Judge Swayne guarded appropriations for similar expenses when made by judges of the courts in the United States? If I am not mistaken, this is the language of the old clause as it existed prior to the trial of Judge Swayne, and I think after that trial the Appropriations Committee, in drafting appropriation bills, put in some language intended more rigidly to restrict judges in the payment for expenses to their actual expenses. The Senator will remember that on the trial of the Swayne case there was considerable contention upon the question whether or not this language did not justify what had grown up to be the practice of judges to put in bills for \$10 a day, regardless of what their actual expenses may have been.

Mr. HALE. Suppose we put in the word "actual?"

Mr. BACON. I have forgotten what the language was; but the Senator from Maine or some other member of the Committee on Appropriations was instrumental in having the language changed.

Mr. LODGE. The word "actual," instead of "necessary," would cover it.

Mr. HALE. That would leave it so that the conferees, if they wanted to put in any additional words, could do so.

Mr. BACON. So that they can refer to the language of the act as it was phrased in the appropriation bill subsequent to the impeachment trial.

Mr. LODGE. To cover the matter I move, on page 17, line 8, before the word "expenses," to strike out "necessary" and insert "actual."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 17, line 8, before the word "expenses," it is proposed to strike out "necessary" and insert "actual;" so as to make the clause read:

The judge of the said court and the district attorney shall, when the sessions of the court are held at other cities than Shanghai, receive in addition to their salaries their actual expenses during such sessions, not to exceed \$10 per day for the judge and \$5 per day for the district attorney, and so much as may be necessary during the fiscal year ending June 30, 1908, is hereby appropriated.

Mr. HALE. I think that is an improvement.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of the following clause:

For the more effective demarcation and mapping of the boundary line between the United States and the Dominion of Canada, as established under existing treaties, to be expended under the direction of the Secretary of State, and to be immediately available and continue available until expended, \$20,000, or so much thereof as may be necessary.

Mr. HOPKINS. I should like to inquire of the Senator in charge of the bill as to the necessity of putting in the provision appropriating \$20,000 in relation to the boundary line between Canada and the United States.

Mr. HALE. The necessity for it is submitted by the State Department. They are engaged in that work, as the Senator knows, all the time, and we are spending so much money to perfect certain points in the line of boundary. I do not know the details. The boundaries are settled, but there are points to be established.

Mr. BACON. I am sorry I can not hear the Senator, as I want to ask a question about the matter myself.

Mr. HALE. I was saying that the Department thinks so much money is needed to establish certain points in the boundary that was fixed, so far as the treaty goes, by the international conference. The appropriation is only to locate these points upon the map.

Mr. BACON. Now, if the Senator will pardon me, I desire to ask attention to the provision on page 15—

Mr. HOPKINS. If the Senator will allow me to conclude—

Mr. BACON. I beg the Senator's pardon.

Mr. HOPKINS. Does this have reference to the International Commission that has made a report?

Mr. LODGE. Mr. President, the boundary between Canada and the United States has been established by various treaties—the Ashburton treaty and other treaties—and this is simply for the preservation and marking of the existing boundary lines. It has nothing whatever to do with the Niagara question.

Mr. HOPKINS. The thought struck me. Why should it happen to come up at this particular time? I understand, of course, as every other Senator does, that we have treaty arrangements with Great Britain with reference to the boundary line there.

Mr. LODGE. The lines are all settled.

Mr. HOPKINS. That is what I supposed, and hence I did not see any necessity for making this appropriation.

Mr. LODGE. This is necessary where points and marks have been destroyed or moved. It is simply to perfect the marking of the line and preserve the line. That is all, as I understand.

Mr. HALE. To put the marks on the face of the earth, so that maps may be made.

Mr. BACON. I understand that the appropriation beginning in line 4 on page 15 is for surveys, and the item under discussion is for the mapping and marking of the surveys already made. Am I correct in that? Is there a difference between the two? The two provisions would appear on first glance to relate to the same thing.

Mr. GALLINGER. The one on page 15 refers to the Alaskan boundary.

Mr. HOPKINS. That does not have any relation to the item on page 17, does it?

Mr. HALE. No; it is another matter entirely.

Mr. BACON. Mr. President, the language on page 15 is:

To enable the Secretary of State to mark the boundary and make the surveys incidental thereto between the Territory of Alaska and the Dominion of Canada, etc.

The differentiation, I suppose, is between Alaska and the United States. Is that intended?

Mr. LODGE. Mr. President, under the Alaskan boundary tribunal certain points were agreed upon running through a great stretch of country—certain mountain peaks stretching hundreds of miles. The line had to be laid out by surveyors, the peaks being given. That has been in process for the last three years, and it is not yet completed. Our Coast Survey and the surveyor-general of Canada are running that line together and marking it as they go. The Canadian line, to which the Senator from Illinois [Mr. HOPKINS] referred, is a perfectly established line, and I understand it is only to mark that so that it can be mapped.

Mr. NELSON. From the Portland Canal to the one hundred and forty-first meridian west longitude.

Mr. HALE. It is to make practical and visible the result of the work of the Commission.

Mr. BACON. Of previous surveys?

Mr. HALE. Yes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in Schedule C, under the subhead "Allowance for clerk hire at United States consulates," on page 19, after line 8, to strike out:

Allowance for clerk hire at consulates, to be expended under the direction of the Secretary of State, \$241,890: *Provided*, That the total sum expended in one year shall not exceed the amount appropriated.

And in lieu thereof to insert:

For allowance for clerk hire at consulates as follows:

London, \$4,500.

Paris, \$4,000.

Habana and Liverpool, \$3,000 each, \$6,000.

Mexico City, Rio de Janeiro, and Shanghai, at \$2,500 each, \$7,500.

Hongkong and Yokohama, at \$2,200 each, \$4,400.

Berlin, Bordeaux, Bradford, Canton, Cape Town, Manchester, and Seoul, at \$1,800 each, \$12,600.

Southampton, \$1,750.

Antwerp, Bahia, Brussels, Hamburg, Kobe, Lyons, Monterey, Montreal, Ottawa, Para, Pernambuco, Rotterdam, and Santos, at \$1,500 each, \$19,500.

Barmen, Birmingham, Bremen, Chemnitz, Coburg, Colon, Crefeld, Dawson, Frankfurt, Havre, Marseilles, Panama, and Vienna, at \$1,200 each, \$15,600.

Belfast, Calcutta, Cairo, Dresden, Glasgow, Guayaquil, Naples, Nottingham, Nuremberg, Plauen, Pretoria, Reichenberg, St. Gall, Sheffield, Singapore, Sydney (New South Wales), Toronto, and Vera Cruz, at \$1,000 each, \$18,000.

Annaberg, Beirut, Buenos Ayres, Burslem, Dundee, Edinburgh, Genoa, Kingston (Jamaica), Leipzig, Mainz, Mannheim, Maracalbo, Melbourne, Messina, Newcastle-on-Tyne, Palermo, Port au Prince, Prague, Rome, Santiago de Cuba, Smyrna, Stockholm, Tangier, Vancouver, and Victoria, at \$800 each, \$20,000.

Aix la Chapelle, Chihuahua, Ciudad Juarez, Ciudad Porfirio Diaz, Halifax, and Lucerne, at \$640 each, \$3,840.

Cologne, Constantinople, Cork, Florence, Huddersfield, Liege, Munich, Odessa, Tampico, Zittau, and Zurich, at \$600 each, \$3,600;

Cienfuegos and Kehl, at \$500 each, \$1,000;

Berne, Georgetown (Guiana), Malaga, and Stuttgart, at \$480 each, \$1,920;

Total, clerk hire, \$127,210.

Allowance for clerks at consulates, to be expended under the direction of the Secretary of State at consulates not herein provided for in respect to clerk hire, no greater portion of this sum than \$1,000 to be allowed to any one consulate in any one fiscal year, \$114,680: *Provided*, That the total sum expended in one year shall not exceed the amount appropriated.

Mr. HALE. I move to amend the amendment of the committee, on page 20, line 16, after the word "Burslem," by inserting the word "Christiania."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 20, line 16, after the word "Burslem," it is proposed to insert "Christiania."

The amendment to the amendment was agreed to.

Mr. NELSON. I suggest a further amendment to the amendment, in line 21, after the word "thousand," to insert the words "eight hundred."

The amendment to the amendment was agreed to.

Mr. CLAY. Mr. President, if I understand the Senator—and I think I do—the amendment simply takes the total sum appropriated by the House, on page 19, lines 9, 10, 11, 12, and 13, and specifies how it is to be appropriated.

Mr. HALE. Just as we always have heretofore.

Mr. CLAY. That is what I thought.

Mr. GALLINGER. The total in line 9, of the amendment of the committee, page 21, should be changed to correspond to the amendment already made. I move to strike out the words "one hundred and twenty-seven thousand two hundred and ten dollars" and insert "one hundred and twenty-eight thousand and ten dollars."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was completed.

Mr. LODGE. I move to strike out, on page 19, lines 3, 4, 5, and 6, and to insert in lieu thereof what I send to the desk.

The VICE-PRESIDENT. The Senator from Massachusetts proposes an amendment, which will be stated.

The SECRETARY. On page 19 it is proposed to strike out:

Ten consular clerks, at \$1,200 each, \$12,000; and three consular clerks, at \$1,000 each, \$3,000; total, \$15,000.

And insert in lieu thereof the following:

From and after the 1st day of July, 1907, the salaries of consular clerks shall be at the rate of \$1,000 a year for the first three years of continuous service as such, and shall be increased \$200 a year for each succeeding year of continuous service until a maximum compensation of \$1,800 a year shall be reached, and section 1704, Revised Statutes, and its amendatory act of June 11, 1874, are hereby so amended.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REPORT OF POSTAL COMMISSION.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring), That there be printed 6,000 copies of the report of the Postal Commission appointed under the provisions of the act making appropriation for the service of the Post-Office Department, approved June 26, 1906, being House Document No. —, Fifty-ninth Congress, second session, to be accompanied by the testimony taken by the said Commission, together with the accompanying exhibits and digest, 2,000 copies for the use of the Senate and 4,000 copies for the use of the House of Representatives.

Mr. PENROSE. I ask that the resolution may be considered.

The resolution was considered by unanimous consent, and agreed to.

GOVERNMENT HOSPITAL FOR THE INSANE, ETC.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4267) to prohibit the sale of intoxicating liquors near the Government Hospital for the Insane and the District almshouse, which were, in line 5, to strike out "District almshouse" and insert

"Home for the Aged and Infirm," and to amend the title so as to read: "A bill to prohibit the sale of intoxicating liquors near the Government Hospital for the Insane and the Home for the Aged and Infirm."

Mr. GALLINGER. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

PRACTICE OF VETERINARY MEDICINE IN THE DISTRICT.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5698) to regulate the practice of veterinary medicine in the District of Columbia, which were, on page 8, line 8, to strike out all after the word "agency," down to and including "purposes," in line 10; and on page 8, line 13, after the word "indirectly," to insert:

Provided, That any person may without compensation apply any medicine or remedy and perform any operation for the treatment, relief, or cure of any sick, diseased, or injured animal.

Mr. GALLINGER. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

WASHINGTON MARKET COMPANY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6470) in relation to the Washington Market Company, which was, to strike out all after the enacting clause and insert:

That the Washington Market Company be, and it is hereby, authorized to procure, by purchase or lease, all or part of square No. 328, in the city of Washington, and thereon conduct a cold-storage business and manufacture ice for use in Center Market and for sale: *Provided*, That nothing in this act shall be held to limit or affect in any way any of the provisions of an act to incorporate the Washington Market Company, approved May 20, 1870.

Sec. 2. That the right to alter, amend, or repeal this act, without any liability therefor, is hereby expressly reserved.

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

SERVICE ON FOREIGN CORPORATIONS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 7170) to amend an act relating to service on foreign corporations, approved June 30, 1902, entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia,' which was, on page 1, to strike out all of line 3, down to and including line 6, and insert:

That the second paragraph of section 1537 of the Code of Law for the District of Columbia be, and the same is hereby, amended so that it shall.

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. I move that the Senate proceed to the consideration of the bill (H. R. 23821) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. PERKINS. I ask that the first formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered.

The VICE-PRESIDENT. Without objection, that course will be pursued.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the subhead "Fortifications and other works of defense," on page 2, line 9, to increase the appropriation for construction of fire-control stations and accessories, including purchase of lands and rights of way, and for the purchase, installation, operation, and maintenance of necessary lines and means of electrical communication connected with the use of coast artillery, etc., from \$700,000 to \$1,200,000.

The amendment was agreed to.

The next amendment was, on page 2, line 15, to increase the appropriation for the protection, preservation, and repair of fortifications for which there may be no special appropriation available from \$200,000 to \$300,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 15, to insert:

Toward the construction of about 4,800 linear feet of wall necessary for the protection of Fort Moultrie, Sullivan's Island, North Carolina, from the effects of storms (to cost not to exceed \$225,000), \$112,800.

The amendment was agreed to.

The next amendment was, on page 2, after line 21, to insert:

Toward the building of sea walls for the protection of the sites of the fortifications and of the necessary post buildings at Forts Pickens and McRee, Pensacola Harbor, Florida (to cost not to exceed \$907,100), \$453,550.

The amendment was agreed to.

The next amendment was, on page 3, after line 2, to insert:

Toward the repair and restoration of batteries and other structures appurtenant to the defenses of Pensacola and for retaining walls to protect the batteries from floods (to cost not to exceed \$109,355), \$54,678.

The amendment was agreed to.

The next amendment was, on page 3, after line 8, to insert:

Toward the repair and restoration of batteries and other structures appurtenant to the defenses of Mobile, Ala., and for rebuilding sea walls and groins for protection of the sites of the fortifications and of the garrison posts (to cost not to exceed \$1,089,500), \$544,750.

The amendment was agreed to.

The next amendment was, on page 3, after line 15, to insert:

For rebuilding and strengthening the levees for protection of the site of the defenses and the garrison post at Fort St. Philip, New Orleans, La., \$139,800.

The amendment was agreed to.

The next amendment was, under the subhead "Armament of fortifications," on page 6, after line 14, to insert:

For replacing and overhauling ammunition, and for replacing or repairing instruments for fire control, tools, and other ordnance property destroyed or damaged by the storm of September 26-28, 1906, at Forts Pickens and McRee, Fla.; Forts Morgan and Gaines, Ala.; and Fort St. Philip, La., \$30,878.

The amendment was agreed to.

Mr. CLAY. I wish to call the attention of the Senator in charge of the bill to these amendments which have just been agreed to. My understanding was that the total sums were to be appropriated and only 50 per cent to be made available this year, but it appears from the amendments, in the way they are drawn, that only 50 per cent is appropriated, and the simple statement is made that the entire cost is not to exceed the sums stated.

Mr. PERKINS. I will say to my friend the Senator from Georgia that the estimates came to us from the Secretary of War to make good the damage caused by the hurricane which recently visited the Southern States. We have stated the full amount of the cost, but have made available for this year only 50 per cent of the amount estimated by the Department, which, your committee have been informed, is all that can be advantageously expended during the coming fiscal year.

I will say to the Senator from Georgia that I think we are in full accord with his views.

Mr. CLAY. I understand the Senator from California and the Senator from Maine [Mr. HALE] to state that this is the usual way in which these items are drawn; that this simply means that we appropriate one-half the money at this session of Congress, and then another sum equal to it will be appropriated at the next session, provided the total cost shall not exceed the amount set forth in the bill.

Mr. PERKINS. That is the understanding of your committee, Mr. President.

The VICE-PRESIDENT. The reading of the bill will be resumed.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 6, after line 22, to insert:

For converting muzzle-loading field guns to breech-loading guns for saluting purposes, and for necessary mounts for the same, \$5,250.

The amendment was agreed to.

The next amendment was, at the top of page 7, to insert:

Section 2 of the act approved May 19, 1882, authorizing the Secretary of War to issue, on the requisition of the governor of a State bordering on the sea or Gulf coast, and having a permanent camping ground for the enactment of the militia not less than six days annually, two heavy guns and four mortars, with carriages and platforms, for their instruction, and for the construction of a suitable battery for the cannon so issued, and appropriating \$5,000 for each State to carry out the above-mentioned objects, is hereby repealed: *Provided*, That this repeal shall not affect the existing law regarding the disposition of the cannon and other stores already issued.

The amendment was agreed to.

The next amendment was, under the subhead "Fortifications in insular possessions," on page 8, after line 21, to strike out:

For construction of seacoast batteries in Hawaiian and Philippine islands, \$600,000.

And insert:

For construction of seacoast batteries in the Hawaiian Islands, \$100,000.

Mr. PERKINS. On behalf of the committee I move to strike out "one" and insert "two;" so as to read "two hundred thousand dollars."

The amendment to the amendment was agreed to.

Mr. BACON. I have not been following the reading of the bill, but we have had under discussion a good many times, as the Senator will remember, questions relating to the defense of the Philippine Islands.

Mr. PERKINS. This is for the Hawaiian Islands.

Mr. BACON. I thought it was for the Philippine Islands.

Mr. PERKINS. No. In accordance with the Senator's suggestion, we have thought that the Hawaiian Islands, being nearer to us and dearer to us and being a Territory of our Government, they should be divorced from any association, so far as this appropriation is concerned, with the Philippine Islands.

Mr. BACON. I think the committee has acted with entire wisdom and propriety. I hope they will continue to be divorced; and I should like to have the divorce made not simply temporary, but permanent.

Mr. PERKINS. That question is now pending in the court of public opinion.

Mr. BACON. I should like to inquire of the Senator, if I do not trespass too far upon his time—

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Georgia?

Mr. PERKINS. With great pleasure.

Mr. BACON. I was not following the reading of the bill. I only caught this appropriation, which arrested my attention. I will inquire whether there is in the bill an appropriation for the fortification of any part of the Philippine Islands?

Mr. PERKINS. Yes; \$500,000, in the Bay of Manila only.

Mr. BACON. Is it limited to that?

Mr. PERKINS. That is about 5 per cent of what was asked for.

Mr. BACON. I have no criticism to make upon that at all. I was simply going to suggest the propriety of a limitation as to the place as well as to the amount.

Mr. PERKINS. The Senator will note that the committee, having in view the wishes of the Senator from Georgia, has on page 7, provided for the Philippine Islands, and has directed that the fortifications shall be made in the harbor of Manila. I am sure the provision will meet with the approval of my friend the Senator from Georgia.

Mr. BACON. The limitation does, entirely.

The VICE-PRESIDENT. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, at the top of page 9, to insert the following:

For construction of seacoast batteries at Manila, in the Philippine Islands, \$500,000.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE N. JULIAN.

Mr. GALLINGER. I ask for the present consideration of the bill (S. 7998) granting an increase of pension to George N. Julian. This is a very urgent and meritorious case.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to strike out "and assistant inspector-general;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George N. Julian, late captain Company E, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MONONGAHELA RIVER BRIDGE.

Mr. PENROSE. I ask unanimous consent for the present consideration of the bill (H. R. 20988) to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903.

The Secretary read the bill; and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS IN PENNINGTON COUNTY, S. DAK.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (H. R. 23927) excepting certain lands in Pennington County, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves."

Mr. CULLOM. It will not take any time?

Mr. KITTREDGE. It will not take any time.

Mr. KEAN. It is a very short bill and will take no time.

The Secretary read the bill; and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BLACKFEET INDIAN RESERVATION LANDS.

Mr. CLARK of Montana. I ask unanimous consent for the present consideration of the bill (S. 7674) to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement. A bill with the same object in view passed both Houses of Congress last year and was vetoed by the President.

Mr. KEAN. Will it occasion any discussion, I will ask the Senator?

Mr. CLARK of Montana. I am sure it will not. It passed both Houses of Congress last year and was objected to by the President and vetoed by him. We have, I am satisfied, covered the objectionable features, so that it will be all right.

Mr. CULLOM. It is a pretty long bill. I rose to move an executive session, but if it will not take any considerable time, I have no objection to yielding.

Mr. LODGE. Did I understand the Senator from Montana to state that the only objection that has ever been made to this bill is that the President vetoed it?

Mr. CLARK of Montana. It was vetoed by the President on account of the fact, as he deemed, that it did not afford sufficient protection to the water rights of the Indians. But I am satisfied that that objection has been covered, and the bill is unanimously approved by the committee.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 2, page 1, line 8, before the word "Blackfeet," to insert "said;" and on page 2, line 2, before the word "may," to insert "who;" so as to read:

That so soon as all the lands embraced within the said Blackfeet Indian Reservation shall have been surveyed the Commissioner of Indian Affairs shall cause allotments of the same to be made under the provisions of the allotment laws of the United States to all persons having tribal rights or holding tribal relations and who may rightfully belong on said reservation.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 5, before the word "acres," to strike out "forty" and insert "eighty;" so as to read:

That there shall be allotted to each member 40 acres of irrigable land and 280 acres of additional land valuable only for grazing purposes.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 7, before the word "acres," to strike out "two hundred and eighty" and insert "three hundred and twenty;" and in line 9, after the word "and," to strike out the following:

for the irrigable lands allotted there is hereby reserved out of the waters of the reservation sufficient to irrigate said irrigable lands, and the United States shall and does hold said reserved water in trust as appurtenant to the lands so allotted for the trust period named in the patent to be issued: *Provided*, That subject to such reservation of water to irrigate the irrigable lands aforesaid, and subject to a like reservation for the Indians of the Fort Belknap and the Fort Peck Indian Reservations in said State of Montana, all waters of the streams in or bordering that portion of said State lying north of the Missouri and Marias rivers and Birch Creek and east of the summit of the Rocky Mountains shall hereafter be subject to appropriation and use under the laws of Montana, notwithstanding any implied reservation to the contrary in an agreement ratified by the act of Congress entitled "An act to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana, and for other purposes," approved May 1, 1888, or any act supplementary thereto, and the reservation of waters for the use and benefit of the Indians

shall only extend to water while actually and necessarily being used by them for irrigation on their said irrigable lands or for domestic purposes.

And to insert:

for constructing irrigating systems to irrigate the aforesaid allotted lands, the limit of the cost of which is hereby fixed at \$300,000, \$100,000 of which shall be immediately available, the cost of said entire work to be reimbursed from the proceeds of the sale of the lands within said reservation: *Provided*, That such irrigation system shall be constructed and completed, and held and operated, and water therefor appropriated under the laws of the State of Montana, and the title thereto, until otherwise provided by law, shall be in the Secretary of the Interior in trust for the said Indians, and he may sue and be sued in matters relating thereto: *And provided further*, That the ditches and canals of such irrigation systems may be used, extended, or enlarged for the purpose of conveying water by any person, association, or corporation under and upon compliance with the provisions of the laws of the State of Montana: *And provided further*, That when said irrigation systems are in successful operation the cost of operating the same shall be equitably apportioned upon the lands irrigated, and, when the Indians have become self-supporting, to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work done in their behalf within thirty years, suitable deduction being made for the amounts received from the disposal of the lands within the reservation aforesaid.

So as to read:

Or at the option of the allottee the entire 320 acres may be taken in land valuable only for grazing purposes, respectively, and for constructing irrigating systems to irrigate the aforesaid allotted lands, etc.

The amendment was agreed to.

The next amendment was, in section 3, page 5, line 5, after the word "Indians," to strike out "one a resident citizen" and insert "and two resident citizens;" and in line 6, after the word "Montana," to strike out "and one a United States special Indian agent or Indian inspector of the Interior Department;" so as to make the section read:

SEC. 3. That upon the completion of said allotments the President of the United States shall appoint a commission consisting of three persons to inspect, appraise, and value all of the said lands that shall not have been allotted in severalty to said Indians or reserved by the Secretary of the Interior or otherwise disposed of, said commission to be constituted as follows: One commissioner shall be a person holding tribal relations with said Indians, and two resident citizens of the State of Montana.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE.

Mr. LONG. I ask unanimous consent for the present consideration of the bill (S. 7917) to authorize the Interstate Bridge and Terminal Railway Company, of Kansas City, Kans., to construct a bridge across the Missouri River.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with an amendment, on page 1, line 8, after the word "point," to insert "to be approved by the Secretary of War;" so as to make the section read:

That the Interstate Bridge and Terminal Railway Company, of Kansas City, Kans., a corporation organized under the laws of the State of Kansas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railway and highway bridge and approaches thereto across the Missouri River from a point, to be approved by the Secretary of War, at or about 1 mile north of Kansas City, Kans., to a point opposite in the county of Platte, State of Missouri, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE L. DANFORTH.

Mr. KEAN. I ask for the present consideration of the bill (S. 7427) granting an increase of pension to George L. Danforth. It will take but a moment and it is an urgent case. Some of my friends are interested in it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of George L. Danforth, late of Company C, Eighth Regiment Vermont Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PORT OF BRUNSWICK, GA.

Mr. CLAY. I ask unanimous consent to call up the bill (H. R. 21197) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, by extending the provisions of the first section thereof to the port of Brunswick, Ga.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ASSIGNMENT OF DISTRICT JUDGES.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. BACON. I hope the Senator will withhold the motion for just one minute.

Mr. CULLOM. I will withdraw it for a few moments.

Mr. BACON. There is a short bill which I reported back from the Judiciary Committee, with the unanimous approval of that committee, that I ask the Senate to take up. It is an important one, simply designed to expedite the transaction of the public business of the Federal courts. It will not take five minutes to pass it. The report of the committee accompanies the bill. I ask the Senate to proceed to the consideration of the bill (S. 7812) to amend section 591 of the Revised Statutes of the United States relative to the assignment of district judges to perform the duties of a disabled judge.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. BACON. There is an amendment reported by the committee to correct a verbal error in the printed bill, to strike out "of" and insert "by."

The VICE-PRESIDENT. The amendment will be stated.

The amendment was to strike out at the end of line 5 the word "of" and to insert "by;" so as to make the bill read:

Be it enacted, etc., That whenever in the case contemplated and provided for in section 591 of the Revised Statutes it shall be certified by the circuit judge, or in his absence, by the circuit justice of the circuit in which the district lies, that for any sufficient reason it is impracticable to designate and appoint a judge of another district within the circuit to perform the duties of such disabled judge, the chief justice may, if in his judgment the public interests so require, designate and appoint the judge of any other district in another circuit to hold said courts and to discharge all the judicial duties of the judge so disabled, during such disability.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISSUANCE OF LAND PATENTS.

Mr. CARTER. Numerous Senators have expressed a desire to submit remarks on Senate resolution 214, relating to the issuance of patents on homestead entries, etc. I therefore ask that the resolution be laid before the Senate and be made the unfinished business.

The VICE-PRESIDENT. The Senator from Montana moves that the Senate proceed to the consideration of a resolution which will be stated.

The SECRETARY. Senate resolution 214, by Mr. CARTER, entitling duly qualified entrymen to a patent for land, etc.

The VICE-PRESIDENT. The question is on the motion of the Senator from Montana.

The motion was agreed to.

The VICE-PRESIDENT. The resolution is before the Senate.

Mr. CARTER. I ask that it be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the resolution be temporarily laid aside. Without objection, it is so ordered.

ASHLEY RIVER BRIDGE, SOUTH CAROLINA.

Mr. HALE obtained the floor.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. I rose to move an adjournment.

Mr. TILLMAN. There is a House bill that has been waiting here for some time which I would like to have the Senate consider.

Mr. HALE. I will yield, if there is no objection to it.

Mr. TILLMAN. I ask for the present consideration of the bill (H. R. 22135) authorizing the construction of a bridge across the Ashley River in the counties of Charleston and Colleton, S. C.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 30, 1907, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 29, 1907.

SURVEYOR OF CUSTOMS.

William Barnes, jr., of New York, to be surveyor of customs for the port of Albany, in the State of New York. (Reappointment.)

PROMOTION IN THE ARMY.

Infantry arm.

First Lieut. Clyffard Game, Eleventh Infantry, to be captain from January 24, 1907, vice Purdy, First Infantry, retired from active service.

PROMOTIONS IN THE NAVY.

Lieut. Edward H. Campbell to be a lieutenant-commander in the Navy from the 11th day of December, 1906, vice Lieut. Commander John A. Dougherty, promoted.

Asst. Paymaster Neal B. Farwell to be passed assistant paymaster in the Navy from the 3d day of August, 1906, vice Asst. Paymaster Clarence A. Holmes, who was due for promotion, but resigned before qualifying therefor.

POSTMASTERS.

ARIZONA.

J. Oscar Mullen to be postmaster at Tempe, in the county of Maricopa and Territory of Arizona, in place of John J. Hodnett, resigned.

ARKANSAS.

William E. Edmiston to be postmaster at Portland, in the county of Ashley and State of Arkansas. Office became Presidential January 1, 1907.

H. L. Throgmorton to be postmaster at Pocahontas, in the county of Randolph and State of Arkansas, in place of Josiah S. Anderson. Incumbent's commission expired December 15, 1906.

CALIFORNIA.

Charles Harris to be postmaster at Merced, in the county of Merced and State of California, in place of Charles Harris. Incumbent's commission expires February 16, 1907.

C. E. Lovelace to be postmaster at Oceanpark, in the county of Los Angeles and State of California, in place of Albert E. Meigs, resigned.

Alva L. Merrill to be postmaster at Kennett, in the county of Shasta and State of California. Office became Presidential January 1, 1907.

COLORADO.

William L. Williams to be postmaster at Fowler, in the county of Otero and State of Colorado. Office became Presidential January 1, 1907.

CONNECTICUT.

William J. McKendrick to be postmaster at New Canaan, in the county of Fairfield and State of Connecticut, in place of Stephen B. Hoyt, deceased.

Edward J. Stuart to be postmaster at Lakeville, in the county of Litchfield and State of Connecticut, in place of Hubert Williams, deceased.

ILLINOIS.

Samuel Baird to be postmaster at Carlyle, in the county of Clinton and State of Illinois, in place of William H. Norris. Incumbent's commission expired June 25, 1906.

Frederick P. Burgett to be postmaster at Keithsburg, in the county of Mercer and State of Illinois, in place of Frederick P. Burgett. Incumbent's commission expired January 23, 1907.

William T. Kay to be postmaster at Camp Point, in the county of Adams and State of Illinois, in place of George Y. Downing. Incumbent's commission expired January 7, 1907.

Charles C. Marsh to be postmaster at Bowen, in the county of Hancock and State of Illinois. Office became Presidential January 1, 1907.

David C. Swanson to be postmaster at Paxton, in the county of Ford and State of Illinois, in place of Andrew E. Sheldon. Incumbent's commission expired June 10, 1906.

INDIANA.

Rolla V. Claxton to be postmaster at French Lick, in the county of Orange and State of Indiana, in place of Rolla V. Claxton. Incumbent's commission expired December 20, 1906.

IOWA.

James M. Carl to be postmaster at Lone Tree, in the county of Johnson and State of Iowa, in place of James M. Carl. Incumbent's commission expires February 28, 1907.

Vellas L. Gilje to be postmaster at Elkader, in the county of Clayton and State of Iowa, in place of Gideon M. Gifford. Incumbent's commission expires February 9, 1907.

KENTUCKY.

William M. Catron to be postmaster at Somerset, in the county of Pulaski and State of Kentucky, in place of William M. Catron. Incumbent's commission expired January 6, 1907.

MAINE.

George H. Dunham to be postmaster at Island Falls, in the county of Aroostook and State of Maine. Office became Presidential January 1, 1907.

MICHIGAN.

Grant M. Morse to be postmaster at Portland, in the county of Ionia and State of Michigan, in place of Fred J. Mauren. Incumbent's commission expires February 7, 1907.

MINNESOTA.

John Y. Breckenridge to be postmaster at Pine City, in the county of Pine and State of Minnesota, in place of Lizzie E. Breckenridge. Incumbent's commission expired December 10, 1906.

Clement H. Bronson to be postmaster at Osakis, in the county of Douglas and State of Minnesota, in place of Harry C. Sargent. Incumbent's commission expired January 13, 1907.

David E. Cross to be postmaster at Amboy, in the county of Blue Earth and State of Minnesota, in place of David E. Cross. Incumbent's commission expired December 20, 1906.

Sarah Dahl to be postmaster at Cottonwood, in the county of Lyon and State of Minnesota. Office became Presidential October 1, 1906.

Eugene M. Harkins to be postmaster at Sherburn, in the county of Martin and State of Minnesota, in place of Eugene M. Harkins. Incumbent's commission expired April 5, 1906.

Julius E. Haycraft to be postmaster at Madelia, in the county of Watonwan and State of Minnesota, in place of Julius E. Haycraft. Incumbent's commission expired January 23, 1907.

MISSOURI.

Jesse B. Ross to be postmaster at Springfield, in the county of Greene and State of Missouri, in place of Jesse B. Ross. Incumbent's commission expired December 10, 1906.

NEBRASKA.

John W. Boden to be postmaster at Edgar, in the county of Clay and State of Nebraska, in place of James McNally, resigned.

James C. Elliott to be postmaster at West Point, in the county of Cuming and State of Nebraska, in place of James C. Elliott. Incumbent's commission expired January 22, 1907.

NEW JERSEY.

A. Henry Doughty to be postmaster at Haddonfield, in the county of Camden and State of New Jersey, in place of Theodore M. Giffin, removed.

NEW YORK.

Howard G. Britting to be postmaster at Williamsville, in the county of Erie and State of New York, in place of Howard G. Britting. Incumbent's commission expired January 22, 1907.

Louis Lafferrander to be postmaster at Sayville, in the county of Suffolk and State of New York, in place of Louis Lafferrander. Incumbent's commission expires February 26, 1907.

Fred O'Neil to be postmaster at Malone, in the county of Franklin and State of New York, in place of Fred O'Neil. Incumbent's commission expired December 9, 1906.

Emil A. Peterson to be postmaster at Falconer, in the county of Chautauqua and State of New York, in place of Herbert W. Davis. Incumbent's commission expires February 4, 1907.

Albert S. Potts to be postmaster at Cooperstown, in the county of Otsego and State of New York, in place of Albert S. Potts. Incumbent's commission expired January 7, 1907.

Oscar B. Stratton to be postmaster at Addison, in the county of Steuben and State of New York, in place of George W. Stratton. Incumbent's commission expired December 15, 1906.

Everett I. Weaver to be postmaster at Angelica, in the county

of Allegany and State of New York, in place of Everett I. Weaver. Incumbent's commission expires February 12, 1907.

NORTH CAROLINA.

Estella Cameron to be postmaster at Rockingham, in the county of Richmond and State of North Carolina, in place of Alexander M. Long, deceased.

NORTH DAKOTA.

George C. Chambers to be postmaster at Churchs Ferry, in the county of Ramsey and State of North Dakota, in place of George C. Chambers. Incumbent's commission expired December 10, 1906.

Willis H. Rogers to be postmaster at Hunter, in the county of Cass and State of North Dakota. Office became Presidential January 1, 1907.

John B. Spangler to be postmaster at Steele, in the county of Kidder and State of North Dakota. Office became Presidential January 1, 1907.

OHIO.

Lucius A. Austin to be postmaster at Granville, in the county of Licking and State of Ohio, in place of Lucius A. Austin. Incumbent's commission expired January 14, 1907.

J. Warren Prine to be postmaster at Ashtabula, in the county of Ashtabula and State of Ohio, in place of J. Warren Prine. Incumbent's commission expired January 13, 1907.

OKLAHOMA.

William H. Campbell to be postmaster at Anadarko, in the county of Caddo and Territory of Oklahoma, in place of William H. Campbell. Incumbent's commission expired December 20, 1906.

T. J. Molinari to be postmaster at Granite, in the county of Greer and Territory of Oklahoma, in place of Wilson C. Johnson. Incumbent's commission expired December 20, 1906.

OREGON.

Elmer F. Russell to be postmaster at North Bend, in the county of Coos and State of Oregon, in place of Louis J. Simpson, resigned.

PENNSYLVANIA.

Frank E. Baldwin to be postmaster at Austin, in the county of Potter and State of Pennsylvania, in place of Frank E. Baldwin. Incumbent's commission expired April 10, 1906.

Ross W. Nissley to be postmaster at Hummelstown, in the county of Dauphin and State of Pennsylvania, in place of David C. Rhoads, resigned.

VIRGINIA.

Oscar L. James to be postmaster at Abingdon, in the county of Washington and State of Virginia, in place of David C. Thomas, resigned.

WISCONSIN.

Edward A. Bass to be postmaster at Montello, in the county of Marquette and State of Wisconsin, in place of Edward A. Bass. Incumbent's commission expired January 23, 1907.

Calvin A. Lewis to be postmaster at Sun Prairie, in the county of Dane and State of Wisconsin, in place of Charles Hidden. Incumbent's commission expired March 10, 1906.

Charles E. Raught to be postmaster at South Kaukauna, in the county of Outagamie and State of Wisconsin, in place of Charles E. Raught. Incumbent's commission expired January 7, 1907.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 29, 1907.

SECRETARY OF LEGATION.

William H. Buckler, of Maryland, to be secretary of the legation of the United States at La Paz, Bolivia.

SURVEYOR OF CUSTOMS.

Thomas B. Stapp, of Tennessee, to be surveyor of customs for the port of Chattanooga, in the State of Tennessee.

APPOINTMENTS IN THE ARMY.

Artillery Corps.

Second Lieut. Harry L. Morse, Twenty-first Infantry, from the Infantry Arm to the Artillery Corps, with rank from June 9, 1904.

Infantry Arm.

Second Lieut. John S. Davis, Artillery Corps, from the Artillery Corps to the Infantry Arm, with rank from June 9, 1904.

PROMOTIONS IN THE ARMY.

Cavalry Arm.

Lieut. Col. Peter S. Bonus, Sixth Cavalry, to be colonel from January 19, 1907.

Maj. Matthias W. Day, Fifteenth Cavalry, to be lieutenant-colonel from January 19, 1907.

Capt. John B. McDonald, detailed quartermaster, to be major from January 19, 1907.

PROMOTIONS IN THE NAVY.

Lieut. Henry B. Price to be a lieutenant-commander in the Navy from the 1st day of January, 1907.

Passed Asst. Paymaster John R. Hornberger, with the rank of lieutenant (junior grade), to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 30th day of July, 1906.

POSTMASTERS.

FLORIDA.

Mary B. Bishop to be postmaster at Eustis, in the county of Lake and State of Florida.

George F. Fernald to be postmaster at Tarpon Springs, in the county of Hillsboro and State of Florida.

John H. Hibbard to be postmaster at De Land, in the county of Volusia and State of Florida.

George E. Koons to be postmaster at Palmetto, in the county of Manatee and State of Florida.

MISSISSIPPI.

Thaddeus C. Barrier to be postmaster at Philadelphia, in the county of Neshoba and State of Mississippi.

John B. Collier to be postmaster at Leland, in the county of Washington and State of Mississippi.

Emma Harris to be postmaster at McHenry, in the county of Harrison and State of Mississippi.

Millicent R. McInnis to be postmaster at Moss Point, in the county of Jackson and State of Mississippi.

NEW YORK.

Jay Farrier to be postmaster at Oneida, in the county of Madison and State of New York.

Huet R. Root to be postmaster at Deruyter, in the county of Madison and State of New York.

OHIO.

Erwin G. Chamberlin to be postmaster at Caldwell, in the county of Noble and State of Ohio.

Charles C. Chappelle to be postmaster at Circleville, in the county of Pickaway and State of Ohio.

Don C. Corbett to be postmaster at Payne, in the county of Paulding and State of Ohio.

Uriah J. Favorite to be postmaster at Tippecanoe City, in the county of Miami and State of Ohio.

Edward P. Flynn to be postmaster at South Charleston, in the county of Clark and State of Ohio.

John M. Gallagher to be postmaster at Quaker City, in the county of Guernsey and State of Ohio.

Joseph E. Hall to be postmaster at Bucyrus, in the county of Crawford and State of Ohio.

William H. Hallam to be postmaster at National Military Home, in the county of Montgomery and State of Ohio.

Jacob C. Irwin to be postmaster at Degraff, in the county of Logan and State of Ohio.

William W. Johns to be postmaster at Bellville, in the county of Richland and State of Ohio.

Wirt Kessler to be postmaster at West Milton, in the county of Miami and State of Ohio.

Morgan Neath to be postmaster at Wadsworth, in the county of Medina and State of Ohio.

Rolla A. Perry to be postmaster at Plain City, in the county of Madison and State of Ohio.

Van R. Sprague to be postmaster at McArthur, in the county of Vinton and State of Ohio.

William H. Tucker to be postmaster at Toledo, in the county of Lucas and State of Ohio.

Joel P. De Wolf to be postmaster at Fostoria, in the county of Seneca and State of Ohio.

PENNSYLVANIA.

William F. Brittain to be postmaster at Muncy, in the county of Lycoming and State of Pennsylvania.

James S. Kennedy to be postmaster at Grove City, in the county of Mercer and State of Pennsylvania.

J. C. Lauffer to be postmaster at Portage, in the county of Cambria and State of Pennsylvania.

Luther P. Ross to be postmaster at Saxton, in the county of Bedford and State of Pennsylvania.

George C. Wagenseller to be postmaster at Selinsgrove, in the county of Snyder and State of Pennsylvania.

RHODE ISLAND.

Warren W. Logee to be postmaster at Pascoag, in the county of Providence and State of Rhode Island.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 29, 1907.

The House met at 12 o'clock m.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

We bless Thee, Almighty God, our heavenly Father, for the life and character of our late lamented President McKinley, who, though called from the scenes and activities of this life to the realms above, yet lives a precious memory in our hearts. God grant that his example may be an inspiration to us and to the coming generations to high and clean living in the home, in the Republic, and in our religious life, and Thine shall be the praise, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 1185. An act granting a pension to Josiah C. Hancock;
H. R. 7211. An act granting a pension to James C. Southerland;
H. R. 7551. An act granting a pension to Daniel Robb;
H. R. 8732. An act granting a pension to Ellen S. Gifford;
H. R. 9100. An act granting a pension to Nancy C. Paine;
H. R. 9113. An act granting a pension to Elizabeth Cleaver;
H. R. 9673. An act granting a pension to Oliver H. Griffin;
H. R. 9921. An act granting a pension to Ann Lytle;
H. R. 10760. An act granting a pension to Libbie A. Merrill;
H. R. 13201. An act granting a pension to Sarah A. Jones;
H. R. 13884. An act granting a pension to Helen Augusta Mason Boynton;
H. R. 14046. An act granting a pension to Jimison F. Skeens;
H. R. 14263. An act granting a pension to Fidella Sellers;
H. R. 15202. An act granting a pension to Henry Peetsch;
H. R. 15630. An act granting a pension to Sarah Klizer;
H. R. 16002. An act granting a pension to Theodore T. Bruce;
H. R. 18791. An act granting a pension to Michael Bocoskey;
H. R. 17988. An act granting a pension to Edward G. Hausen;
H. R. 19490. An act granting a pension to Estelle I. Reed;
H. R. 20292. An act granting a pension to Howard William Archer;
H. R. 20327. An act granting a pension to Elizabeth A. Downie;
H. R. 20725. An act granting a pension to Hope Martin;
H. R. 637. An act granting an increase of pension to William H. Bone;
H. R. 676. An act granting an increase of pension to Musgrove E. O'Connor;
H. R. 725. An act granting an increase of pension to George E. Smith;
H. R. 742. An act granting an increase of pension to James Wintersteen;
H. R. 1144. An act granting an increase of pension to Franklin McFalls;
H. R. 1150. An act granting an increase of pension to Emma J. Turner;
H. R. 1252. An act granting an increase of pension to Mary E. Mathes;
H. R. 1337. An act granting an increase of pension to James B. Evans;
H. R. 1512. An act granting an increase of pension to Melvin T. Edmonds;
H. R. 1693. An act granting an increase of pension to Joseph Q. Oviatt;
H. R. 1717. An act granting an increase of pension to George M. Fowler;
H. R. 1723. An act granting an increase of pension to Rutson J. Bullock;
H. R. 1937. An act granting an increase of pension to Joseph B. Williams;
H. R. 2055. An act granting an increase of pension to Joanna L. Cox;
H. R. 2056. An act granting an increase of pension to Lucas Longendycke;
H. R. 2175. An act granting an increase of pension to James W. Bliss, alias James Warren;
H. R. 2286. An act granting an increase of pension to Jacob Miller;
H. R. 2399. An act granting an increase of pension to Charles F. Sancerainte;
H. R. 2421. An act granting an increase of pension to Daniel S. Mevis;
H. R. 2726. An act granting an increase of pension to John C. Keach;

H. R. 2764. An act granting an increase of pension to George L. Robinson;
H. R. 2769. An act granting an increase of pension to Ethan A. Valentine;
H. R. 2793. An act granting an increase of pension to Nathan D. Chapman;
H. R. 2826. An act granting an increase of pension to Samuel Prochel;
H. R. 3226. An act granting an increase of pension to John E. Leahy;
H. R. 3740. An act granting an increase of pension to John G. H. Armistead;
H. R. 3989. An act granting an increase of pension to Hiram T. Houghton;
H. R. 4149. An act granting an increase of pension to Thompson Wall;
H. R. 4151. An act granting an increase of pension to John W. Howard;
H. R. 4166. An act granting an increase of pension to John G. V. Herndon;
H. R. 4346. An act granting an increase of pension to Thomas H. B. Schooling;
H. R. 4351. An act granting an increase of pension to George A. Johnson;
H. R. 4670. An act granting an increase of pension to Edward B. Tanner;
H. R. 4673. An act granting an increase of pension to Samuel Rowe;
H. R. 4692. An act granting an increase of pension to Levi Welch;
H. R. 4719. An act granting an increase of pension to Mary J. Trumbull;
H. R. 4833. An act granting an increase of pension to Samuel F. Anderson;
H. R. 5063. An act granting an increase of pension to William G. Miller;
H. R. 5172. An act granting an increase of pension to Milton Stratton;
H. R. 5173. An act granting an increase of pension to Jacob Henninger;
H. R. 5174. An act granting an increase of pension to Patrick Turney;
H. R. 5187. An act granting an increase of pension to Robert John;
H. R. 5200. An act granting an increase of pension to John F. McBride;
H. R. 5209. An act granting an increase of pension to Edward R. Dunbar;
H. R. 5595. An act granting an increase of pension to Elisha Brown;
H. R. 5648. An act granting an increase of pension to William Hand;
H. R. 5729. An act granting an increase of pension to Norman H. Cole;
H. R. 5776. An act granting an increase of pension to Priscilla A. Campbell;
H. R. 5801. An act granting an increase of pension to Alger-non E. Castner;
H. R. 5803. An act granting an increase of pension to Edwin L. Roberts;
H. R. 5829. An act granting an increase of pension to George Anderson;
H. R. 6057. An act granting an increase of pension to Emery Crawford;
H. R. 6060. An act granting an increase of pension to Lorenzo B. Fish;
H. R. 6088. An act granting an increase of pension to James R. Chapman;
H. R. 6145. An act granting an increase of pension to Parris J. Latham;
H. R. 6165. An act granting an increase of pension to Nelson Everson;
H. R. 6189. An act granting an increase of pension to Arthur Tibbitts;
H. R. 6424. An act granting an increase of pension to George Price;
H. R. 6493. An act granting an increase of pension to Eli Boynton;
H. R. 6519. An act granting an increase of pension to Samuel W. Whybark;
H. R. 6524. An act granting an increase of pension to Amos Snyder;
H. R. 6537. An act granting an increase of pension to William Jackson;

H. R. 6705. An act granting an increase of pension to William H. Zachery;
 H. R. 6894. An act granting an increase of pension to Daniel O. Corbin;
 H. R. 6920. An act granting an increase of pension to Simon Millison;
 H. R. 7247. An act granting an increase of pension to Lorenzo Sink;
 H. R. 7378. An act granting an increase of pension to John L. Brown;
 H. R. 7393. An act granting an increase of pension to Ferdinand David;
 H. R. 7411. An act granting an increase of pension to Tobias Fisher;
 H. R. 7417. An act granting an increase of pension to Gibson Helms;
 H. R. 7544. An act granting an increase of pension to Gustavus F. E. Raschig;
 H. R. 7555. An act granting an increase of pension to John S. Roseberry;
 H. R. 7581. An act granting an increase of pension to Emile Cloe;
 H. R. 7666. An act granting an increase of pension to Joseph C. Mahaffey;
 H. R. 7804. An act granting an increase of pension to John Frett, Jr.;
 H. R. 7834. An act granting an increase of pension to Joseph Amos;
 H. R. 7912. An act granting an increase of pension to James M. Lawder;
 H. R. 8136. An act granting an increase of pension to Joseph A. Scroggs;
 H. R. 8159. An act granting an increase of pension to Charles Leathers;
 H. R. 8247. An act granting an increase of pension to Sarah J. Littleton;
 H. R. 8312. An act granting an increase of pension to Abram Sours;
 H. R. 8335. An act granting an increase of pension to John T. Harvey;
 H. R. 8338. An act granting an increase of pension to Isaac S. Doan;
 H. R. 8373. An act granting an increase of pension to Patrick Weir;
 H. R. 8553. An act granting an increase of pension to Thomas E. Aylsworth;
 H. R. 8667. An act granting an increase of pension to Andrew Larick;
 H. R. 8668. An act granting an increase of pension to Stephen H. Rogers;
 H. R. 8683. An act granting an increase of pension to William D. Voris;
 H. R. 8915. An act granting an increase of pension to Susan Woolley;
 H. R. 8925. An act granting an increase of pension to Chester Simpson;
 H. R. 8958. An act granting an increase of pension to David Bowen;
 H. R. 9024. An act granting an increase of pension to Lewis Lennox;
 H. R. 9090. An act granting an increase of pension to Amasa B. Saxton;
 H. R. 9218. An act granting an increase of pension to William T. Blanchard;
 H. R. 9250. An act granting an increase of pension to Obediah B. Nations;
 H. R. 9278. An act granting an increase of pension to Melville A. Nichols;
 H. R. 9402. An act granting an increase of pension to Adam S. Van Vorst;
 H. R. 9403. An act granting an increase of pension to Kate E. Hanna;
 H. R. 10032. An act granting an increase of pension to Octavo Barker;
 H. R. 9816. An act granting an increase of pension to Charles A. Spanogle, alias Andrew C. Spanogle;
 H. R. 10033. An act granting an increase of pension to Samuel C. Roe;
 H. R. 10219. An act granting an increase of pension to George S. Boyd;
 H. R. 10240. An act granting an increase of pension to John H. Curnutt;
 H. R. 10317. An act granting an increase of pension to Clarissa A. Frederick;

H. R. 10400. An act granting an increase of pension to Thomas Harrison;
 H. R. 10402. An act granting an increase of pension to Albert H. Campbell;
 H. R. 10403. An act granting an increase of pension to James H. Odell;
 H. R. 10440. An act granting an increase of pension to Amaziah G. Sheppard;
 H. R. 10721. An act granting an increase of pension to Harriet I. Levis;
 H. R. 10738. An act granting an increase of pension to Thomas Prosser;
 H. R. 10773. An act granting an increase of pension to George C. Rathbun;
 H. R. 10916. An act granting an increase of pension to Charles H. Shreeve;
 H. R. 11141. An act granting an increase of pension to Jesse S. Miller;
 H. R. 11169. An act granting an increase of pension to Robert P. Call;
 H. R. 11174. An act granting an increase of pension to Isaac Richards;
 H. R. 11232. An act granting an increase of pension to Aaron L. Packer;
 H. R. 11307. An act granting an increase of pension to Joseph J. Roberts;
 H. R. 11322. An act granting an increase of pension to Luther H. Starkey;
 H. R. 11362. An act granting an increase of pension to Nicholas A. Bovee;
 H. R. 11562. An act granting an increase of pension to Adam Wiles;
 H. R. 11564. An act granting an increase of pension to James Morrow;
 H. R. 11636. An act granting an increase of pension to Lawrence Hagan;
 H. R. 11701. An act granting an increase of pension to Marvin Waldorph;
 H. R. 11708. An act granting an increase of pension to Jesse A. Ask;
 H. R. 11869. An act granting an increase of pension to Henry A. Geduldig;
 H. R. 11959. An act granting an increase of pension to Henry J. Rice;
 H. R. 12106. An act granting an increase of pension to George W. Reagan;
 H. R. 12124. An act granting an increase of pension to Howard Brown;
 H. R. 12152. An act granting an increase of pension to Leonidas E. Mills;
 H. R. 12370. An act granting an increase of pension to Mary E. Randolph;
 H. R. 12497. An act granting an increase of pension to Allen M. Haight;
 H. R. 12523. An act granting an increase of pension to Gancelo Leighton;
 H. R. 12554. An act granting an increase of pension to William Larraby;
 H. R. 12557. An act granting an increase of pension to John C. Berry;
 H. R. 12574. An act granting an increase of pension to Jacob R. Burkhardt;
 H. R. 12676. An act granting an increase of pension to Francis M. Morrison;
 H. R. 13053. An act granting an increase of pension to Eli Bunting;
 H. R. 13054. An act granting an increase of pension to James M. Brown;
 H. R. 13253. An act granting an increase of pension to Robert M. C. Hill;
 H. R. 13740. An act granting an increase of pension to Jeremiah Bard;
 H. R. 13805. An act granting an increase of pension to Isaac Gordon;
 H. R. 13806. An act granting an increase of pension to John Campbell;
 H. R. 13813. An act granting an increase of pension to Samuel Brown;
 H. R. 13815. An act granting an increase of pension to Christian M. Good;
 H. R. 13956. An act granting an increase of pension to Alfred Featheringill;
 H. R. 13975. An act granting an increase of pension to Thomas H. Primrose;

- H. R. 14238. An act granting an increase of pension to William H. Van Tassell;
 H. R. 14673. An act granting an increase of pension to David H. Semans;
 H. R. 14675. An act granting an increase of pension to James Davis;
 H. R. 14690. An act granting an increase of pension to Henrietta Hull;
 H. R. 14689. An act granting an increase of pension to Herman G. Weller;
 H. R. 14715. An act granting an increase of pension to Harmon W. McDonald;
 H. R. 14767. An act granting an increase of pension to Henry Simon;
 H. R. 14860. An act granting an increase of pension to William D. Campbell;
 H. R. 14862. An act granting an increase of pension to Ann E. White;
 H. R. 14884. An act granting an increase of pension to Henry Stauffer;
 H. R. 14983. An act granting an increase of pension to R. T. Dillard Zimmerman;
 H. R. 14985. An act granting an increase of pension to Mary Gramberg;
 H. R. 14995. An act granting an increase of pension to James H. Bell;
 H. R. 15017. An act granting an increase of pension to Joseph Strobe;
 H. R. 15139. An act granting an increase of pension to James P. Mullen;
 H. R. 15150. An act granting an increase of pension to John O'Connor;
 H. R. 15193. An act granting an increase of pension to Frederick W. Studdiford;
 H. R. 15297. An act granting an increase of pension to Nelson Hanson;
 H. R. 15317. An act granting an increase of pension to James B. F. Callon;
 H. R. 15421. An act granting an increase of pension to Paul Diedrich;
 H. R. 15430. An act granting an increase of pension to Oliver Lawrence;
 H. R. 15455. An act granting an increase of pension to John D. Brooks;
 H. R. 15463. An act granting an increase of pension to John Robb, 1st;
 H. R. 15580. An act granting an increase of pension to James P. Hudkins;
 H. R. 15631. An act granting an increase of pension to Henry C. Worley;
 H. R. 15790. An act granting an increase of pension to Nicholas W. Dorrel;
 H. R. 15839. An act granting an increase of pension to Mary J. Burroughs;
 H. R. 15860. An act granting an increase of pension to Sarah C. Morris;
 H. R. 15868. An act granting an increase of pension to William H. Scullen;
 H. R. 15874. An act granting an increase of pension to Benjamin B. Ream;
 H. R. 15890. An act granting an increase of pension to Hiram C. Barney;
 H. R. 15980. An act granting an increase of pension to John T. Smith;
 H. R. 16087. An act granting an increase of pension to Charles W. Foster;
 H. R. 16222. An act granting an increase of pension to Napoleon B. Ferrell;
 H. R. 16249. An act granting an increase of pension to Thomas Miller;
 H. R. 16488. An act granting an increase of pension to Charles Hopkins;
 H. R. 16493. An act granting an increase of pension to William T. Sallee;
 H. R. 16546. An act granting an increase of pension to Louis F. Beeler;
 H. R. 16895. An act granting an increase of pension to William M. Baker;
 H. R. 17094. An act granting an increase of pension to James H. Sperry;
 H. R. 17172. An act granting an increase of pension to John Short;
 H. R. 17484. An act granting an increase of pension to John E. Gillispie, alias John G. Elliott;
 H. R. 17486. An act granting an increase of pension to Rudolph Papst;
 H. R. 17539. An act granting an increase of pension to Ambrose D. Albertson;
 H. R. 17646. An act granting an increase of pension to James M. Sheak;
 H. R. 17770. An act granting an increase of pension to Julia P. Grant;
 H. R. 17773. An act granting an increase of pension to Carel Lane;
 H. R. 17810. An act granting an increase of pension to Saul Coulson;
 H. R. 17864. An act granting an increase of pension to Mary E. Austin;
 H. R. 17958. An act granting an increase of pension to Alexander Dixon;
 H. R. 17969. An act granting an increase of pension to Charles Walrod;
 H. R. 18031. An act granting an increase of pension to Daniel H. Toothaker;
 H. R. 18089. An act granting an increase of pension to Daniel J. Harte;
 H. R. 18114. An act granting an increase of pension to Henry B. Parker;
 H. R. 18155. An act granting an increase of pension to Frank S. Hastings;
 H. R. 18179. An act granting an increase of pension to William G. Baity;
 H. R. 18218. An act granting an increase of pension to Joseph L. Topham;
 H. R. 18242. An act granting an increase of pension to Francis Anderson;
 H. R. 18247. An act granting an increase of pension to William Baird;
 H. R. 18248. An act granting an increase of pension to John D. Evans;
 H. R. 18261. An act granting an increase of pension to John T. Mitchell;
 H. R. 18295. An act granting an increase of pension to Joshua B. Casey;
 H. R. 18410. An act granting an increase of pension to Andrew J. Cushing;
 H. R. 18474. An act granting an increase of pension to Robert Sturgeon;
 H. R. 18494. An act granting an increase of pension to Emma-gene Bronson;
 H. R. 18574. An act granting an increase of pension to Levi Miles;
 H. R. 18582. An act granting an increase of pension to Sarah E. Hoffman;
 H. R. 18608. An act granting an increase of pension to Mary E. Strickland;
 H. R. 18634. An act granting an increase of pension to Mary Sullivan;
 H. R. 18637. An act granting an increase of pension to Henry L. Sparks;
 H. R. 18758. An act granting an increase of pension to Mary A. Daniel;
 H. R. 18761. An act granting an increase of pension to Benjamin Bolinger;
 H. R. 18771. An act granting an increase of pension to William G. Bailey;
 H. R. 18797. An act granting an increase of pension to John M. Defoe;
 H. R. 18871. An act granting an increase of pension to Emanuel Raudabaugh;
 H. R. 18884. An act granting an increase of pension to Weymouth Hadley;
 H. R. 19237. An act granting an increase of pension to James Rout;
 H. R. 19280. An act granting an increase of pension to Peter J. Williamson;
 H. R. 19281. An act granting an increase of pension to Mary J. Gillem;
 H. R. 19363. An act granting an increase of pension to Theodore Bland;
 H. R. 19386. An act granting an increase of pension to Robert Stewart;
 H. R. 19412. An act granting an increase of pension to Jefferson K. Smith;
 H. R. 19420. An act granting an increase of pension to Eliza A. McKean;
 H. R. 19426. An act granting an increase of pension to George N. Griffin;

H. R. 19448. An act granting an increase of pension to Abram P. McConnell;
 H. R. 19479. An act granting an increase of pension to George W. Savage;
 H. R. 19510. An act granting an increase of pension to Richard B. West;
 H. R. 19541. An act granting an increase of pension to Job F. Martin;
 H. R. 19553. An act granting an increase of pension to James Robertson;
 H. R. 19577. An act granting an increase of pension to Mary L. Patton;
 H. R. 19579. An act granting an increase of pension to Robert F. Mayfield;
 H. R. 19584. An act granting an increase of pension to Joseph B. Pettet;
 H. R. 19603. An act granting an increase of pension to Jacob Farner;
 H. R. 19629. An act granting an increase of pension to Oliver Morton;
 H. R. 19639. An act granting an increase of pension to Lucy A. Kephart;
 H. R. 19648. An act granting an increase of pension to Sarah A. Wilson;
 H. R. 19651. An act granting an increase of pension to Joseph H. Prendergast;
 H. R. 19661. An act granting an increase of pension to Jacob McWilliams;
 H. R. 19672. An act granting an increase of pension to Thomas McDermott;
 H. R. 19703. An act granting an increase of pension to Seth Chase;
 H. R. 19708. An act granting an increase of pension to William A. Laffer;
 H. R. 19713. An act granting an increase of pension to Mary B. Mason;
 H. R. 19715. An act granting an increase of pension to Susan M. Brunson;
 H. R. 19716. An act granting an increase of pension to Mary F. Johnson;
 H. R. 19722. An act granting an increase of pension to William H. Burns;
 H. R. 19738. An act granting an increase of pension to Benjamin St. Clair;
 H. R. 19758. An act granting an increase of pension to Josefita Montano;
 H. R. 19762. An act granting an increase of pension to Clara C. Edsall;
 H. R. 19807. An act granting an increase of pension to John W. Marean;
 H. R. 19818. An act granting an increase of pension to William F. Clinkscale;
 H. R. 19858. An act granting an increase of pension to Richard E. Clapper;
 H. R. 19871. An act granting an increase of pension to John G. Kean, alias Cain;
 H. R. 19872. An act granting an increase of pension to Richard E. Hassett;
 H. R. 19873. An act granting an increase of pension to Robert Webb;
 H. R. 19885. An act granting an increase of pension to Frank Scherer;
 H. R. 19891. An act granting an increase of pension to Edwin D. Bates;
 H. R. 19907. An act granting an increase of pension to James Butler;
 H. R. 19915. An act granting an increase of pension to Greenleaf W. Crossman;
 H. R. 19923. An act granting an increase of pension to Bettie Ferguson;
 H. R. 19949. An act granting an increase of pension to Charles Van Ostrand;
 H. R. 19963. An act granting an increase of pension to Charles Carter;
 H. R. 19967. An act granting an increase of pension to Martin L. Ohr;
 H. R. 19990. An act granting an increase of pension to Susan F. Christie;
 H. R. 19998. An act granting an increase of pension to Eunice Cook;
 H. R. 20029. An act granting an increase of pension to John B. Malson;
 H. R. 20061. An act granting an increase of pension to Caswell York;

H. R. 20064. An act granting an increase of pension to William C. Arnold;
 H. R. 20078. An act granting an increase of pension to Walter M. English;
 H. R. 20085. An act granting an increase of pension to Robert Lafontaine;
 H. R. 20087. An act granting an increase of pension to Cassia C. Tyler;
 H. R. 20088. An act granting an increase of pension to Mary J. Thurmond;
 H. R. 20096. An act granting an increase of pension to Theresia Bell;
 H. R. 20117. An act granting an increase of pension to Preston J. Michener;
 H. R. 20129. An act granting an increase of pension to John Lemly;
 H. R. 20146. An act granting an increase of pension to Harriet C. Kenney;
 H. R. 20154. An act granting an increase of pension to George H. Dyer;
 H. R. 20166. An act granting an increase of pension to Sarah Salmon;
 H. R. 20198. An act granting an increase of pension to Mary E. Maddox;
 H. R. 20199. An act granting an increase of pension to Joseph N. Cadieux;
 H. R. 20219. An act granting an increase of pension to Ellen Downing;
 H. R. 20222. An act granting an increase of pension to Henry C. Joseph;
 H. R. 20229. An act granting an increase of pension to Jehu F. Wotring;
 H. R. 20250. An act granting an increase of pension to Thomas McBride;
 H. R. 20269. An act granting an increase of pension to Sarah A. Galloway;
 H. R. 20272. An act granting an increase of pension to James L. House;
 H. R. 20279. An act granting an increase of pension to Edmund Hostetter;
 H. R. 20286. An act granting an increase of pension to Bartholomew Holmes;
 H. R. 20303. An act granting an increase of pension to John Crowley;
 H. R. 20350. An act granting an increase of pension to Theodore F. Reighter;
 H. R. 20351. An act granting an increase of pension to Peter M. Simon;
 H. R. 20357. An act granting an increase of pension to Jane Audridge;
 H. R. 20363. An act granting an increase of pension to Otis E. Rush;
 H. R. 20384. An act granting an increase of pension to Mary Wilson;
 H. R. 20391. An act granting an increase of pension to Mary Jane Meldrim;
 H. R. 20415. An act granting an increase of pension to John H. Krom;
 H. R. 20424. An act granting an increase of pension to George W. Wheeler;
 H. R. 20431. An act granting an increase of pension to John Neumann;
 H. R. 20463. An act granting an increase of pension to Nicholas D. Kenny;
 H. R. 20571. An act granting an increase of pension to Frederick J. Dowland;
 H. R. 20581. An act granting an increase of pension to Nettie G. Kruger;
 H. R. 20586. An act granting an increase of pension to Calvin Judson;
 H. R. 20587. An act granting an increase of pension to Francis McMahon;
 H. R. 20613. An act granting an increase of pension to Hiram Steele;
 H. R. 20614. An act granting an increase of pension to James Howardson;
 H. R. 20683. An act granting an increase of pension to James Bond;
 H. R. 20712. An act granting an increase of pension to Samuel W. Searles;
 H. R. 20715. An act granting an increase of pension to Charles Ballantyne;
 H. R. 20717. An act granting an increase of pension to Adelbert E. Bleckman;

H. R. 20721. An act granting an increase of pension to James O. Pierce;
 H. R. 20724. An act granting an increase of pension to Rhoda A. Hoit;
 H. R. 20726. An act granting an increase of pension to Mary J. Smith;
 H. R. 20735. An act granting an increase of pension to Berge Larsen;
 H. R. 20829. An act granting an increase of pension to David M. Watkins;
 H. R. 20844. An act granting an increase of pension to Milton Russell;
 H. R. 20851. An act granting an increase of pension to Henry Hamme;
 H. R. 20852. An act granting an increase of pension to Theodore T. Tate;
 H. R. 20896. An act granting an increase of pension to James F. Henninger;
 H. R. 20899. An act granting an increase of pension to Charles W. Carpenter;
 H. R. 20928. An act granting an increase of pension to Reuben A. George;
 H. R. 20955. An act granting an increase of pension to Edward L. Carpenter;
 H. R. 20958. An act granting an increase of pension to Darius E. Garland;
 H. R. 20962. An act granting an increase of pension to Franklin H. Bailey;
 H. R. 20964. An act granting an increase of pension to John Fox;
 H. R. 20965. An act granting an increase of pension to Harvey Sine;
 H. R. 21001. An act granting an increase of pension to George Rhodes;
 H. R. 21015. An act granting an increase of pension to Evan H. Baker;
 H. R. 21019. An act granting an increase of pension to Benjamin F. Fell;
 H. R. 21033. An act granting an increase of pension to William P. Huff;
 H. R. 21045. An act granting an increase of pension to Unity A. Steel;
 H. R. 21054. An act granting an increase of pension to William G. Wilson;
 H. R. 21058. An act granting an increase of pension to William H. Isbell;
 H. R. 21086. An act granting an increase of pension to Jerry Johnson;
 H. R. 21119. An act granting an increase of pension to Alexander Boshea;
 H. R. 21124. An act granting an increase of pension to William B. Crane;
 H. R. 21142. An act granting an increase of pension to Joseph Rose;
 H. R. 21148. An act granting an increase of pension to Jacob A. Graham;
 H. R. 21162. An act granting an increase of pension to John W. Humphrey;
 H. R. 21179. An act granting an increase of pension to Charles Green;
 H. R. 21185. An act granting an increase of pension to Mary M. Goble;
 H. R. 21216. An act granting an increase of pension to Eliza J. McCardel;
 H. R. 21228. An act granting an increase of pension to Pleasant Crissip;
 H. R. 21302. An act granting an increase of pension to Nicolaus Kirsch;
 H. R. 21304. An act granting an increase of pension to Jacob Kohl;
 H. R. 21307. An act granting an increase of pension to Samuel Fauver;
 H. R. 21519. An act granting an increase of pension to Montezuma St. John;
 H. R. 21575. An act granting an increase of pension to Calvin E. Morley;
 H. R. 21641. An act granting an increase of pension to Levi Eddy;
 H. R. 21749. An act granting an increase of pension to Annie Reaney;
 H. R. 21828. An act granting an increase of pension to Noah Perrin;
 H. R. 21849. An act granting an increase of pension to John P. Dix;

H. R. 21859. An act granting an increase of pension to Simon Stone;
 H. R. 22052. An act granting an increase of pension to James A. Meredith;
 H. R. 22207. An act granting an increase of pension to William A. Harlan;
 H. R. 22265. An act granting an increase of pension to Elizabeth Jane Hancher;
 H. R. 22280. An act granting an increase of pension to Emily V. Ackley;
 H. R. 22281. An act granting an increase of pension to Leonard Tyler;
 H. R. 22416. An act granting an increase of pension to Barbara E. Schwab;
 H. R. 22424. An act granting an increase of pension to William Faulkner;
 H. R. 22566. An act granting an increase of pension to Joseph L. Six;
 H. R. 22568. An act granting an increase of pension to John H. Christman;
 H. R. 22607. An act granting an increase of pension to John T. Hetherlin;
 H. R. 22684. An act granting an increase of pension to William Sherk;
 H. R. 22717. An act granting an increase of pension to Mary A. Brick;
 H. R. 22932. An act granting an increase of pension to Bryngel Severson;
 H. R. 22937. An act granting an increase of pension to Edward Murphy;
 H. R. 22997. An act granting an increase of pension to Edmond D. Doud;
 H. R. 23307. An act granting an increase of pension to Andrew Casey;
 H. R. 9212. An act for the relief of Joseph W. I. Kempa, executor of the last will and testament of William J. Grutza, deceased;
 H. R. 17099. An act to authorize the refund of part of fines imposed on the vessels *Sotie R.*, *Mathilda R.*, and *Helen R.*;
 H. R. 21677. An act to amend an act granting to the Davenport Water Power Company rights to construct and maintain a canal, power station, and appurtenant works in the Mississippi River in Scott County, Iowa;
 H. R. 23718. An act to authorize the Chicago, Lake Shore and South Bend Railway Company to construct a bridge across the Calumet River in the State of Indiana;
 H. R. 23939. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Calumet River in the State of Indiana;
 H. R. 24111. An act to authorize the Norfolk and Western Railway Company to construct a bridge across the Potomac River at or near Shepherdstown, W. Va.;
 H. R. 24275. An act permitting the building of a dam across the Flint River at Porter Shoals;
 H. R. 21402. An act permitting the building of a dam across the Savannah River at Gregg Shoals;
 H. R. 24047. An act to authorize Chapter No. 376 of the Daughters of the American Revolution to erect a fountain on the property of the United States at Paducah, Ky.;
 H. R. 19023. An act granting an increase of pension to John T. Lester;
 H. R. 19044. An act granting an increase of pension to Samuel C. McCormick;
 H. R. 19045. An act granting an increase of pension to Mary A. Agey;
 H. R. 19048. An act granting an increase of pension to Alfred Branson;
 H. R. 19117. An act granting an increase of pension to Mary E. Higgins; and
 H. R. 19216. An act granting an increase of pension to Theophil Brodowski.

APPEAL CASES FROM THE DISTRICT COURT, ALASKA.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 24747) providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit.

Be it enacted, etc., That hereafter all appeals, writs of error, and other cases coming from the district court for the district of Alaska to the circuit court of appeals for the ninth circuit shall be entered upon the docket and heard at San Francisco, in the State of California, or at Portland, in the State of Oregon, or at Seattle, in the

State of Washington, as the trial court before whom the case was tried below shall fix and determine: *Provided, however,* That at any time before the hearing of any appeal, writ of error, or other case, the parties thereto, through their respective attorneys, may stipulate at which of the above-named places the same shall be heard, in which case the case shall be remitted to and entered upon the docket at the place so stipulated and shall be heard there.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LACEY. Mr. Speaker, I would like to have a little explanation of the bill from the gentleman from Washington, if it is not too late.

The SPEAKER. It is not too late.

Mr. LACEY. I would like to ask the gentleman from Washington whether under existing law all of these appeals go to San Francisco as a matter of course?

Mr. HUMPHREY of Washington. They do.

Mr. LACEY. None go to Seattle or Portland as the law now stands?

Mr. HUMPHREY of Washington. No; as a matter of fact, they do not. There has been but one case heard out of San Francisco in several years.

Mr. LACEY. How could a case under the existing law be heard in Portland?

Mr. HUMPHREY of Washington. It could be heard by a stipulation of all parties concerned.

Mr. LACEY. But not otherwise?

Mr. HUMPHREY of Washington. But not otherwise.

Mr. LACEY. And under this bill, in the absence of any stipulation at all on the subject, an appeal taken from either the courts of Alaska—where would it go as a matter of course?

Mr. HUMPHREY of Washington. The trial court would determine where it should be heard, unless the parties should stipulate as to where it is to go.

Mr. LACEY. The judges before whom the cases were tried would be the same anyhow?

Mr. HUMPHREY of Washington. It only fixes the place and not the court.

Mr. LACEY. And they would consult, therefore, the convenience of counsel and parties as to whether Seattle, Portland, or San Francisco should be selected?

Mr. HUMPHREY of Washington. That is the object of the bill, and it is agreed upon.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

CHARLES H. STOCKLEY.

The SPEAKER laid before the House the bill (H. R. 9577) entitled "An act for the relief of Charles H. Stockley," with a Senate amendment.

The Senate amendment was read.

Mr. MOON of Pennsylvania. Mr. Speaker, I move to concur in the Senate amendment.

The question was taken; and the amendment was agreed to.

THE MERCANTILE BRIDGE COMPANY.

Mr. WANGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 24361.

The SPEAKER. The gentleman from Pennsylvania [Mr. WANGER] asks unanimous consent for the present consideration of the bill H. R. 24361, of which the Clerk will read the title.

The Clerk read as follows:

To amend an act entitled "An act to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostraver Township, Westmoreland County," approved March 14, 1904.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That section 7 of an act entitled "An act to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostraver Township, Westmoreland County," approved March 14, 1904, be, and is hereby, amended to read as follows:

"SEC. 7. That this act shall be null and void unless the construction of said bridge shall be commenced within one year from the passage of this act and shall be completed within four years from the passage of this act."

Also the following amendment:

On page 2, line 3, strike out the words "within four years from the passage of this act" and insert in lieu thereof the words "by March 14, 1908."

Mr. WANGER. Mr. Speaker, I ask for the adoption of the amendment.

Mr. WILLIAMS. This bill is unanimously reported, is it?

Mr. WANGER. Unanimously.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. WANGER, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEASED GOVERNMENT BUILDINGS.

Mr. BOUTELL. Mr. Speaker, I desire to call up House resolution No. 774, and move to discharge the Committee on Public Buildings and Grounds from further consideration of the same, and to pass the resolution.

The SPEAKER. The gentleman from Illinois [Mr. BOUTELL] calls up the following privileged resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to transmit to this House, so soon as possible, a statement showing all lands and buildings and parts of buildings now leased by the Government in the District of Columbia, including a brief description of such properties; the purpose for which they are used; the rentals paid; and in case of buildings, or parts of same, the rental per square foot, wherever practicable; the date of the termination of such leases; the names of the lessors; and the statutory authority under which such leases were made.

The SPEAKER. The question is on the motion of the gentleman from Illinois to discharge the Committee on Public Buildings and Grounds from further consideration of the resolution.

The question was taken; and the motion was agreed to.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

ASSISTANT APPRAISERS, PORT OF NEW YORK.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 7147.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the bill S. 7147, of which the Clerk will report the title.

The Clerk read as follows:

An act (S. 7147) to amend section 2536 of the Revised Statutes, relative to assistant appraisers at the port of New York, and further defining their powers, duties, and compensation.

Mr. WILLIAMS. What is this bill?

Mr. SHERMAN. Mr. Speaker, the bill comes from the Committee on Ways and Means, I will say to the gentleman from Mississippi [Mr. WILLIAMS], with unanimous consent. If the gentleman desires any further explanation I will be glad to give it.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading and passage of the bill.

The bill was read a third time and passed.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

JAMESTOWN EXPOSITION.

Mr. LITTAUER. Mr. Speaker, I ask unanimous consent that the bill H. R. 24541, an act making appropriations to supply additional urgent deficiencies, amended by the Senate, be taken from the Speaker's table and be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from New York asks unanimous consent that the urgent deficiency bill, with Senate amendment, may be taken from the Speaker's table and considered in the House as in the Committee of the Whole House on the state of the Union.

Mr. WILLIAMS. What is the object to be attained by the gentleman's motion?

Mr. LITTAUER. To facilitate the consideration of a general appropriation bill passed by the House, to which the Senate added one amendment, and that amendment concerns the provision for the Jamestown Exposition.

Mr. WILLIAMS. Why is it desired to be considered in the House instead of in the Committee of the Whole?

Mr. LITTAUER. Simply as a matter of expedition.

Mr. WILLIAMS. Why would it not be well to consider it in the Committee of the Whole?

Mr. LITTAUER. I do not know but that it would be just as well that way as another, and we can get a record vote on it if it is necessary.

Mr. WILLIAMS. Unless there is some special reason, the ordinary course ought to be pursued.

Mr. LITTAUER. This expedites the business of the House and permits us to have a record vote in the House.

Mr. WILLIAMS. I shall not object.

Mr. BARTHOLOMT. Will this give us an opportunity to dis-

cuss this bill if it is considered in the House as in Committee of the Whole?

The SPEAKER. It is entirely, if the consent is given, under the direction of the majority of the House under the five-minute rule.

Mr. BARTHOLDT. I should like to have thirty minutes, Mr. Speaker.

Mr. MACON. Mr. Speaker, do I understand that unanimous consent has been given?

The SPEAKER. It has not.

Mr. MACON. I want to hear the provision read before I give my consent.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 24541) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes.

The Senate amendment was read at length.

Mr. LITTAUER. Mr. Speaker, I want to amplify my request for unanimous consent, by asking that the five-minute limitation of debate should not apply to the consideration of this measure in the House.

The SPEAKER. The gentleman from New York modifies his request as to the consideration of the bill in the House as in Committee of the Whole, that the five-minute rule should not apply.

Mr. SIMS. I wish to ask the gentleman, reserving the right to object, if the consideration of this bill in the House as in Committee of the Whole will afford opportunity for debate? In other words, can not the previous question be called at any moment by the gentleman in charge of the measure if it is considered in the House?

Mr. LITTAUER. I will ask the Chair to answer that question.

The SPEAKER. Oh, undoubtedly, the majority of the House will control. It is under the control of the majority—

Mr. SIMS. And if the gentleman in charge of the bill demands the previous question, that would close debate?

Mr. TAWNEY. Not unless the majority of the House sustains the demand; but there is no purpose to cut off free discussion.

Mr. LITTAUER. We have no idea of curtailing debate.

Mr. SIMS. Well, Mr. Speaker, it will be left entirely with the gentleman in control of the bill to say that nobody shall occupy any of the time except those he sees proper to yield to.

The SPEAKER. The Chair will say to the gentleman, there should be no misunderstanding about the effect of this request. The Chair understands that if unanimous consent is given, then the consideration is had in the Committee of the Whole House without regard to the five-minute rule, and it is entirely in the power of the House to say when it will vote, and on what it will vote, and on the entire matter.

Mr. SIMS. Well, Mr. Speaker, what difference would there be about considering it in the House as in the Committee of the Whole?

Mr. MANN. It would have to go to the Committee on Appropriations, and it could not be considered to-day.

Mr. SIMS. It could not be considered? Why could it not be considered to-day in Committee of the Whole?

Mr. LITTAUER. This simply expedites the disposition of it.

Mr. MANN. Unless unanimous consent be given, it would have to go to the Committee on Appropriations, and it could not be considered to-day.

Mr. SIMS. It is simply a proposition as to whether we can have it fully debated.

Mr. LITTAUER. We have no disposition to cut off any debate.

Mr. JAMES. We can get a yea-and-nay vote on it in the House, and we can not in Committee of the Whole.

Mr. MACON. I want to ask the gentleman from New York if this is the same character of loan that was made to the World's Fair Exposition at St. Louis?

Mr. LITTAUER. It is a loan.

Mr. MACON. Is it the same character of loan?

Mr. LITTAUER. I do not want to say it is the same character of loan. But that is a matter that concerns the merits of the proposition, and I do not want at this time to discuss that.

Mr. MACON. Has it similar safeguards thrown around it?

Mr. LITTAUER. Not such as I yet deem sufficient, I will say to the gentleman.

The SPEAKER. Is there objection?

Mr. FOSTER of Vermont. Mr. Speaker, I object.

The SPEAKER. The gentleman from Vermont objects.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill.

This motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. FOSTER of Vermont in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24815—the agricultural appropriation bill.

The Clerk read as follows:

Purchase and distribution of rare and valuable seeds: For the purchase, propagation, and testing of new, rare, and uncommon seeds, bulbs, trees, shrubs, vines, cuttings, and plants, foreign and domestic; for the rent of buildings (not to exceed \$3,000); the employment of agricultural explorers, local and special agents, clerks, assistants, and all other necessary labor required in the city of Washington and elsewhere; the purchase of necessary office fixtures and supplies, paper, twine, gum, printing, postal cards, fuel, gas and electric current, transportation, traveling expenses, and all necessary material for securing, testing, propagating, packing, and distributing the seeds, bulbs, trees, etc., above specified, \$238,000. And the Secretary of Agriculture is hereby directed to spend the said sum, as nearly as practicable, for the encouragement and advancement of agriculture and horticulture throughout the United States, through the systematic introduction of new, rare, or uncommon seeds, bulbs, trees, vines, cuttings, etc., in the establishment of new or the improvement of existing plant industries; in collating, digesting, reporting, and illustrating the results obtained through the testing and distribution of new and rare seeds, bulbs, and plants herein provided for; and the Secretary of Agriculture is further directed to purchase such new and rare seeds, bulbs, plants, vines, and cuttings at public or private sale, and to arrange for the propagation, testing, and distribution of such seeds, bulbs, plants, and cuttings in such manner as he may deem expedient, obtaining, so far as practicable, the advice and cooperation of Senators, Representatives, and Delegates in Congress: *Provided*, That such seeds, bulbs, and plants shall be distributed to actual experimenters for experimental tests, and that the Secretary of Agriculture shall cause a record to be kept of all persons to whom seeds, bulbs, or plants are sent, in order that reports on the results of the experiments may be secured in as many instances as possible: *And provided further*, That the Secretary shall, so far as practicable, cooperate with the State experiment stations and practical farmers, fruit growers, and others, in order that the seeds, bulbs, and plants may be distributed with due regard to their adaptability to the various soil and climatic conditions prevailing in the United States. The Secretary of Agriculture is hereby also directed to prepare annually a report showing what the results of the distribution have been.

Mr. MANN. Mr. Chairman, I desire to make the point of order upon a portion of the paragraph.

Mr. WADSWORTH. Mr. Chairman, one moment. Can we arrive at some agreement as to the time to be devoted to the consideration of this paragraph and this amendment? I think the House understands the question thoroughly.

Mr. MANN. I am just going to make the point of order.

Mr. WADSWORTH. The gentleman will have an opportunity to make his point of order.

Mr. MANN. Not after debate commences. I wish to state my point of order without losing my right.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MANN. I make the point of order upon that portion of the paragraph commencing with line 17, page 35, "And the Secretary of Agriculture," down to and including the words "United States," in line 20, page 36.

Mr. WADSWORTH. I do not care to debate the point of order, Mr. Chairman. If that power is not granted under the general powers granted in the law establishing the Department of Agriculture, I do not think any power is granted. The question has been thrashed out several times.

Mr. MANN. It is very likely that the power is granted to the Secretary of Agriculture in reference to the distribution of these seeds, bulbs, and so forth, but it is very certain that if the Secretary of Agriculture has now the authority to act under the law this changes his authority. This gives to him a specific direction as to how he shall act. If his authority is now unlimited, then this is a change of existing law by the limitation of his authority. If he has now no authority, then this is an expansion of his authority and is contrary to the rule.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CANDLER. Mr. Chairman—

Mr. FITZGERALD. I desire to reserve a point of order against the language in line 9, "agricultural explorers."

The CHAIRMAN. The gentleman from Mississippi has the floor.

Mr. CANDLER. I move to strike out—

Mr. FITZGERALD. Mr. Chairman, I desire to reserve a point of order against the language "agricultural explorers," in line 9, page 25.

The CHAIRMAN. The gentleman from New York reserves the point of order.

Mr. GILLETT. If the point of order is made against a part of a paragraph, does not the whole paragraph go out?

The CHAIRMAN. Not unless the point of order is made against the whole paragraph.

Mr. GILLETT. I make a point of order against the whole paragraph.

The CHAIRMAN. The point against the portion made by the gentleman from Illinois has been sustained. Now the gentleman from Massachusetts can make a point of order against the remainder, if he desires.

Mr. GILLETT. But, if the Chair will pardon me, the gentleman from Illinois made a point of order against a certain portion of the paragraph. Now, as I understand, under the general rule, that sends the whole paragraph out. Now, how am I to know—

The CHAIRMAN. The Chair thinks the gentleman from Massachusetts is mistaken, and that unless the point of order is made against the whole paragraph the whole paragraph does not go out, but only that portion of the paragraph against which the point is made. The gentleman from Illinois [Mr. MANN] made his point of order against a portion of the paragraph, and that point of order was sustained, and that portion of the paragraph has gone out under the point of order.

Mr. BARTLETT. Mr. Chairman—

Mr. LAMB. Mr. Chairman, I ask that my colleague [Mr. CANDLER] be recognized.

The CHAIRMAN. The gentleman from Mississippi has the floor.

Mr. CANDLER. I move to strike out the provision left in the bill and to insert the following amendment—

Mr. WADSWORTH. Mr. Chairman—

The CHAIRMAN. The Chair will say to the gentleman from Mississippi that that is not in order until the point of order of the gentleman from New York [Mr. FITZGERALD] is determined. When that is decided, the Chair will recognize the gentleman from Mississippi.

Mr. CANDLER. I did not know that was pending. I ask that my amendment be considered as pending.

Mr. CRUMPACKER. I desire to offer an amendment to the paragraph.

Mr. WADSWORTH. That is not in order until the point of order is decided.

Mr. CRUMPACKER. It has been decided.

The CHAIRMAN. There is a point of order pending.

Mr. CRUMPACKER. Pending to the entire paragraph?

The CHAIRMAN. Pending to a portion of the paragraph. Does the gentleman from New York [Mr. FITZGERALD] care to be heard on his point of order?

Mr. FITZGERALD. I simply wished to ascertain what these explorers were. I withdraw the point of order.

The CHAIRMAN. The gentleman from New York withdraws his point of order.

Mr. CANDLER. Now, Mr. Chairman, I move to strike out and insert.

Mr. WADSWORTH. Does the gentleman from Illinois [Mr. MANN] withdraw his point of order?

The CHAIRMAN. The Chair has sustained the point of order of the gentleman from Illinois, and that portion of the paragraph against which he made his point of order has gone out.

Mr. CANDLER. Now, Mr. Chairman, I move to strike out the provision left in the bill, and to insert the amendment which I send to the Clerk's desk.

Mr. LIVINGSTON. Which is the old law.

Mr. CANDLER. Which is the old law.

The CHAIRMAN. The gentleman from Mississippi offers an amendment in the nature of a substitute, which the Clerk will report.

Mr. CRUMPACKER. Mr. Chairman, I offer an amendment which I think is preferential to the gentleman's motion to strike out and insert. His motion strikes out the entire paragraph and inserts a new one. We have a right to perfect the paragraph first.

Mr. CANDLER. I should like to have my amendment reported.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Mississippi.

The Clerk read as follows:

Strike out the paragraph and insert:
"Purchase and distribution of valuable seeds: For the purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; for rent and repairs: the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, and electric current, traveling expenses, and all necessary material and repairs for putting up and distributing the same, and to be

distributed in localities adapted to their culture, \$238,000, of which amount not less than \$202,000 shall be allotted for Congressional distribution. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at a public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as herein-after stated, and such seeds so purchased shall include a variety of field, vegetable, and flower seeds suitable for planting and culture in the various sections of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the Department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster-General may jointly determine, to the Postmaster-General; and the person receiving such seeds shall be requested to inform the Department of the results of the experiments therewith: *Provided*, That all seeds, bulbs, plants, and cuttings herein allotted to Senators, Representatives, and Delegates in Congress for distribution remaining uncalled for on the 1st of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress, and who have not before, during the same season, been supplied by the Department: *And provided also*, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagation, and distribution of valuable seeds, bulbs, mulberry and other rare and valuable trees, shrubs, vines, cuttings, and plants: *Provided, however*, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided, further*, That \$36,000 of which sum, or so much thereof as the Secretary of Agriculture shall direct, may be used to collect, purchase, test, propagate, and distribute rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries or from our possessions for experiments with reference to their introduction into and cultivation in this country; and the seeds, bulbs, trees, shrubs, vines, cuttings, and plants thus collected, purchased, tested, and propagated shall not be included in general distribution, but shall be used for experimental tests, to be carried on with the cooperation of the agricultural experiment stations."

Mr. CANDLER. Mr. Chairman, I simply desire to state in reference to this amendment—

Mr. MANN. Mr. Chairman, I reserve the point of order on that amendment.

Mr. CANDLER. Mr. Chairman, I submit it comes too late.

Mr. HEPBURN. Mr. Chairman, I make the point of order that it is too late to make the point of order. The gentleman from Mississippi [Mr. CANDLER] had begun his argument, and had been recognized by the Chair. There had already been debate on the amendment.

Mr. CANDLER. Mr. Chairman, I make the point of order that the point of order comes too late, as I had already begun to address the House on the amendment, I had begun my argument. I had the floor and had been recognized by the Chair, and I did not yield the floor for the purpose for the gentleman to make a point of order or for any other purpose.

The CHAIRMAN. Does the gentleman from Illinois claim that he was on the floor?

Mr. MANN. Mr. Chairman, I rose immediately upon the ceasing of the reading of the amendment. The gentleman was a little too hasty about commencing his address, endeavoring, I suppose, to protect his rights in the proper way. I do not see how I could have been any more lively.

The CHAIRMAN. If the gentleman from Illinois states that he was endeavoring in good faith to get an opportunity to make the point of order, the Chair will entertain the point of order.

Mr. MANN. I certainly was.

The CHAIRMAN. The Chair will entertain the point of order. Has the gentleman reserved the point of order?

Mr. MANN. Mr. Chairman, I reserve the point of order.

Mr. CRUMPACKER. Mr. Chairman, I think the point of order ought to be decided, as there are other amendments to be made. There is no use of wasting time on the merits of this question if it be subject to the point of order. I think the gentleman ought to insist upon his point of order.

Mr. CANDLER. The gentleman from Illinois has not yet stated his point of order. I would like to have the point of order stated and have it determined at once.

The CHAIRMAN. The gentleman from Illinois will please state his point of order.

Mr. MANN. Mr. Chairman, the point of order is very plain, as far as the point of order is concerned. The ground is that it is new legislation upon this appropriation bill. While my

understanding is that the amendment offered is the existing law, yet that does not make it in order at this time. Whatever may be the fact in reference to that, my point of order is that this is a change of existing law in that it affects the authority of the Secretary of Agriculture under the organic act creating that office. I have no desire to argue the point of order. I believe it was argued a year ago. I am not sure what was the disposition made of it at that time or whether this is the same amendment which was held to be in order a year ago.

Mr. LAMB. Mr. Chairman, this same point of order was raised last year when the same gentleman occupied the chair who occupies it to-day. After a long discussion the point of order was withdrawn, as I hope it will be now. I appeal to the recollection of the Chair.

Mr. CANDLER. Mr. Chairman, I desire to state that this is the identical same proposition as was offered last year. It is in the same language, taken from the Book of Estimates as furnished by the Department of Agriculture to the Agricultural Committee for our consideration this year, drawn in the identical same language that was offered last year, except that there is a difference in the amount to be appropriated, and that is less than it was last year. It is drawn directly under the act creating the Department of Agriculture and has been the law, as has been stated by the gentleman from Virginia [Mr. LAMB], for thirty years. I don't know whether it is that long, but it has been for many, many years, and it is certainly authorized by statute, by custom, and has been adopted by this House. It was argued thoroughly last year, the same gentleman occupying the chair that now occupies the chair, but was finally withdrawn, and I hope it will be withdrawn again and let us have a vote.

Mr. MANN. Mr. Chairman, I have no disposition to prevent the House voting upon a matter of this kind. There seems to be a desire to have a square test vote upon this proposition, which is of so much interest. Therefore I withdraw the point of order.

Mr. JONES of Washington. Mr. Chairman, I renew the point of order.

The CHAIRMAN. The gentleman from Washington renews the point of order.

Mr. CANDLER. Mr. Chairman, let us have a decision.

Mr. JAMES. Mr. Chairman, I make the point of order that the gentleman from Washington is too late with his point of order.

The CHAIRMAN. This question was raised before the committee in almost similar terms a year ago, and was discussed fully. It was admitted at that time that it was a close question. Finally the point of order was withdrawn, and the Chair, therefore, was not called upon to rule. If this were a new question, it seems to the Chair that there could be no doubt in any mind as to the duty of the Chair to sustain the point of order. While, owing to some decisions and some precedents in the past, the question is somewhat complicated and there is some doubt about it, the Chair feels that this question should be determined by the House, once and for all, and therefore the Chair sustains the point of order.

Mr. CANDLER. Mr. Chairman, I have very great respect for the opinion of the Chair and the highest personal regard for the gentleman who now occupies the chair; still I am constrained to respectfully appeal from the decision.

The CHAIRMAN. The gentleman from Mississippi appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and the Chair announced that the "noes" appeared to have it.

Mr. WADSWORTH. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. WADSWORTH and Mr. LAMB were appointed tellers.

Mr. SCOTT. Mr. Chairman, I desire to make a parliamentary inquiry before the vote is taken.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SCOTT. Am I right in this understanding, that the point of order is made against the substitute offered by the gentleman from Mississippi?

The CHAIRMAN. It is.

Mr. SCOTT. That point has been sustained, and if the House sustains the Chair that substitute will go out.

The CHAIRMAN. Yes.

Mr. SCOTT. There will then remain for the House to vote upon that which remains of the present paragraph in the bill, with the exception of what has been stricken out in consequence of the point of order made by the gentleman from Chicago. [Cries of "Regular order!"]

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The committee again divided; and the tellers reported that there were—ayes 84, noes 136.

So the decision of the Chair was not sustained.

Mr. CANDLER. Mr. Chairman, I now ask for a vote on the amendment.

The CHAIRMAN. Does the gentleman from Indiana desire to offer his amendment?

Mr. CRUMPACKER. No; the pending amendment is good enough for me.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Mississippi.

The question was taken; and the amendment was agreed to. [Applause.]

The Clerk read as follows:

FOREST SERVICE.

Salaries, Forest Service: One Forester, who shall be chief of Bureau, \$4,500; one clerk, \$2,100; one clerk, \$1,900; five clerks, class 4, \$9,000; three clerks, at \$1,700 each, \$5,100; one clerk, class 3, \$1,600; two clerks, at \$1,500 each, \$3,000; two clerks, class 2, \$2,800; one clerk, \$1,300; eight clerks, class 1, \$9,600; seven clerks, at \$1,100 each, \$7,700; eleven clerks, at \$1,000 each, \$11,000; twelve clerks, at \$900 each, \$10,800; nineteen clerks, at \$800 each, \$15,200; twenty-seven clerks, at \$700 each, \$18,900; eighteen clerks, at \$600 each, \$10,800; one draftsman, \$1,800; two draftsmen, at \$1,400 each, \$2,800; two draftsmen, at \$1,200 each, \$2,400; four draftsmen, at \$1,000 each, \$4,000; one artist, \$1,000; one photographer, \$1,400; one photographer, \$1,200; one photographer, \$1,000; four messengers, at \$720 each, \$2,880; two messengers, at \$700 each, \$1,400; three messengers, at \$600 each, \$1,800; three messengers, at \$400 each, \$1,200; one carpenter, \$1,000; one carpenter, \$720; three watchmen, at \$700 each, \$2,100; one electrician, \$700; in all, \$142,700.

Mr. MACON. Mr. Chairman, I make the point of order against the increase of salary in lines 2 and 3 on page 37. It is an increase from \$3,500 to \$4,500, and I make the point of order against it.

The CHAIRMAN. Does the gentleman from New York care to be heard on the point of order?

Mr. WADSWORTH. Who made the point of order?

The CHAIRMAN. The gentleman from Arkansas. The Clerk will report the point of order.

The Clerk read as follows:

The point of order is made against the language in lines 2 and 3, page 37, \$4,500.

Mr. WADSWORTH. Mr. Chairman, that is subject to the point of order. I stated in my report: "The following increases in existing statutory salaries have been allowed: Chief of Forest Service (Forester), \$3,500 to \$4,500." I stated in the note: "The increase in the salary of the Forester is justified not only by long and faithful service of the present incumbent of that office, but by reason of the greatly increased work put upon him by the transfer of the Government national forests to his care and administration." If the gentleman wants to raise the point of order in the face of that statement, he is at liberty to do so.

Mr. MACON. I do.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. What was the point of order made on—what was the salary?

Mr. HENRY of Connecticut. On the salary of \$4,500.

Mr. MANN. Then that leaves the item out entirely. Does the gentleman from New York propose to offer an amendment?

The CHAIRMAN. Does the gentleman from New York offer an amendment?

Mr. WADSWORTH. On the suggestion of the gentleman from Illinois, that it takes the position entirely from the statutory roll. I now offer to reinsert the salary of \$3,500.

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

In place of the language stricken out insert "\$3,500."

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. In this Forestry Service there is an increase of about twenty-five clerks. Will the gentleman from New York state the reason for that increase?

Mr. WADSWORTH. I am sorry to say I can not hear the gentleman very well, as there is so much disorder.

Mr. FITZGERALD. This Forestry Service provision contains an increase of twenty-five clerks.

Mr. WADSWORTH. That is due entirely to the turning over to the Department of Agriculture the national forests of this country that were formerly managed by the Land Office of the Interior Department.

Mr. FITZGERALD. Will the gentleman state when they were turned over?

Mr. WADSWORTH. Well, probably I misstated myself. I do not wish to say the clerks of the Land Office were turned over, but the increase is necessary by reason of the turning over

of the forest reserves to the Bureau of Forestry of the Agricultural Department.

Mr. FITZGERALD. The gentleman states that the forest reserves were turned over to the Department of Agriculture. About when was this done?

Mr. MANN. When did the act take effect turning over the forest reserves?

Mr. FITZGERALD. I asked if the gentleman from New York [Mr. WADSWORTH] could state when the forest reserves were turned over to the Department of Agriculture.

Mr. WADSWORTH. By the act of February 1, 1905.

Mr. FITZGERALD. Does the gentleman from New York know whether the clerks were transferred from the Department of the Interior to the Department of Agriculture?

Mr. WADSWORTH. I do not know that all of them were transferred. I dare say some of them were.

Mr. FITZGERALD. I desire, if possible, to ascertain that, because if these twenty-five additional clerks have been authorized for this Service because of the transfer to the Department of Agriculture of the forest reserves, certainly twenty-five clerks, or approximately that number, should be dropped from some office in the Department of the Interior.

Mr. WADSWORTH. Let me say to the gentleman that is not an increase of twenty-five clerks.

Mr. FITZGERALD. I counted hastily. I find an increase of twenty-eight and a decrease of three in one class, and that makes a net increase of twenty-five.

Mr. WADSWORTH. That twenty-five clerks that the gentleman refers to is not an increase of twenty-five. There is still an increase of those \$700 clerks, but it is not an increase of twenty-five or twenty-seven.

Mr. FITZGERALD. Well, there is an increase of five at \$600 each, seven at \$700 each, three at \$900 each, two at \$1,100 each, and three of class 1, at \$1,200 each, and so on.

Mr. WADSWORTH. The gentleman will notice that that is arranged so as to afford a flow of promotions of the lower clerks at \$600, \$700, \$800, \$900, \$1,000, and \$1,100, and class 1 is a \$1,200 salary clerk.

Mr. LAMB. Will the chairman permit a suggestion?

Mr. WADSWORTH. Certainly.

Mr. LAMB. If he will bear in mind the testimony of the Chief of Forestry, he said these clerks were necessary by reason of the extension of the work.

Mr. WADSWORTH. I stated that to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. I think the chairman of the committee made that clear, but he also makes the statement that this increase is due to the fact that the Forest Service has been transferred from the Department of the Interior to the Department of Agriculture. If this work has been done in the Department of the Interior and has been taken from that Department, there certainly should be a number of clerks, between twenty and twenty-five, I assume, that should have been dropped from the Department of the Interior since this work has been taken up by the Department of Agriculture.

Mr. WADSWORTH. I think I have answered the gentleman by saying that the twenty-five do not represent an actual increase of twenty-five. There is some increase there of a few clerks, but if the gentleman will refer to the statutory salary roll of last year he will see that the roll was \$112,860, so that there is an increase of \$29,000.

Mr. MANN. That would just about cover the twenty-five clerks.

Mr. FITZGERALD. That just about covers the twenty-five clerks, because five of them are at \$600 each, seven at \$700 each, and so on, so that the \$29,000 just covers the twenty-five clerks, and the increase in compensation of one or two officials. I desire to ascertain, if possible, whether the chairman of the Committee on Agriculture knew that by reason of this increase of this particular service there was a corresponding decrease in the office from which this work was taken.

Mr. WADSWORTH. I am frank to say to the gentleman I can not give him any information on that point.

Mr. MANN. Mr. Chairman, may I not ask the gentleman from New York [Mr. WADSWORTH]—

The CHAIRMAN. Does the gentleman yield?

Mr. WADSWORTH. Certainly.

Mr. MANN. Does the gentleman want to amend this by changing the total from \$42,000 to \$41,000?

Mr. WADSWORTH. Yes; I will come to that. I will ask that the Clerk change the total of that salary list by \$1,000.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

On page 38; line 14, instead of "one hundred and forty-two thousand," make it read "one hundred and forty-one thousand."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

That hereafter 10 per cent of all money received from each national forest during any fiscal year shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said national forest is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the said national forest is situated: *Provided*, That when any national forest is in more than one State or Territory or county the distributive share to each from the proceeds of said forest shall be proportional to its area therein: *And provided further*, That there shall not be paid to any State or Territory for any county an amount equal to more than 40 per cent of the total income of such county from all other sources.

Mr. MANN. Mr. Chairman, I make the point of order against the word "hereafter" in line 10, page 39.

Mr. WADSWORTH. It is subject to the point of order. It is simply the same question we discussed on Saturday about the meat-inspection act. If the gentleman desires to make it, it is subject to the point of order.

Mr. MANN. This is an entirely different proposition. This is a provision to make a permanent appropriation, and I shall make the point of order on every item of that kind I can.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

To ascertain the natural conditions upon and utilize the national forests, and hereafter the Secretary of Agriculture may divide all lands in national forests into such specific national forests as he may deem best from time to time for administrative purposes, and give to each such name as may be convenient; and hereafter the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests of the United States, except the Black Hills National Forest in South Dakota, to be exported from the State, Territory, or the district of Alaska, in which said forests are respectively situated: *Provided*, That the exportation of dead and insect-infected timber only from said Black Hills National Forest shall be allowed until such time as the Forester shall certify that the ravages of the destructive insects in said forest are practically checked, but in no case after July 1, 1908; and hereafter all moneys received as contributions toward cooperative work in forest investigations and in the protection and improvement of the national forests shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended as the Secretary of Agriculture may direct, for the payment of the expenses of said investigation, protection, and improvement by the Forest Service, and for refunds to the contributors of amounts heretofore or hereafter paid in by them in excess of their share of the cost of said investigations, protection, and improvement; to transport and care for fish and game supplied to stock the national forests or the waters therein; to employ fiscal and other agents, clerks, assistants, and other labor required in practical forestry, in the administration of national forests, and in conducting experiments and investigations in the city of Washington and elsewhere; and hereafter he may dispose of photographic prints (including bromide enlargements), lantern slides, transparencies, blueprints, and forest maps at cost and 10 per cent additional, and condemned property or materials under his charge in the same manner as provided by law for other bureaus; to collate, digest, report, illustrate, and print the results of experiments and investigations made by the Forest Service; to purchase law books to an amount not exceeding \$500, necessary supplies, apparatus, office fixtures, technical books, and periodicals for circulating libraries for officers of the Forest Service stationed outside of Washington; and to pay freight, express, telegraph, and telephone charges, and for electric light and power, fuel, gas, ice, washing towels, and traveling and other necessary expenses, \$757,300, of which sum not to exceed \$40,000 may be used for rent. And hereafter the employees of the Forest Service outside of the city of Washington may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leaves of absence not to exceed fifteen days in any one year, which leave may, in exceptional and meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year; and the Forester is hereby authorized to procure an official seal for the Forest Service to be approved by the Secretary of Agriculture, and hereafter copies of any books, records, papers, or documents in the Forest Service authenticated under such seal shall be admitted in evidence equally with the originals thereof.

Mr. TAWNEY. Mr. Chairman, I desire to make the point of order to that portion of the paragraph just read, beginning with line 1, page 40, down to and including the word "convenient," in line 4, which language reads as follows:

may divide all lands in national forests into such specific national forests as he may deem best from time to time for administrative purposes, and give to each such names as may be convenient.

I make the point of order against that language on the ground that it is new legislation.

Mr. WADSWORTH. Mr. Chairman, it is new legislation, but it is a matter of a great deal of importance.

Mr. MANN. There are other points I desire to reserve.

Mr. TAWNEY. One moment. I also desire to make the point of order to that portion of the paragraph beginning with line 15, after the word "eight," down to and including the word "fish," in line 25.

Mr. MANN. You ought not to end there.

Mr. WADSWORTH. Suppose we consider the points of order as they are raised.

Mr. MANN. All points of order to the paragraph should first be made.

Mr. TAWNEY. I also want—

Mr. MANN. I wish to make a point of order.

Mr. TAWNEY. I want to reserve the point of order, or I will make the point of order, on the language on page 41, beginning in line 2 with the words—

to employ fiscal and other agents, clerks, assistants, and other labor required in practical forestry, in the administration of national forests, and in conducting experiments and investigations in the city of Washington.

That is in violation of the act of 1902, which expressly prohibits the employment of personal services here in the city of Washington out of a lump-sum appropriation. That is a change of existing law.

Mr. MANN. I make the point of order upon the paragraph commencing after the word "year," in line 5, page 42, down to the end of the paragraph.

Mr. WADSWORTH. Now, Mr. Chairman, which point of order will gentlemen consider first?

The CHAIRMAN. Take them up in their order.

Mr. FITZGERALD. I want to make the point of order against the words "periodicals for circulating library for officers of the Forest Service stationed outside of Washington."

The CHAIRMAN. What is the proposition of the gentleman from New York?

Mr. FITZGERALD. My point of order lies to the language in lines 15 and 16 of page 41.

Mr. TAWNEY. In my first point of order I desire to include the language of line 25, page 39, beginning with the words "and hereafter the Secretary of Agriculture may," etc.

Mr. WADSWORTH. Now, Mr. Chairman, that is new legislation. It simply empowers the Forestry Division to rearrange the lands of these several forest reserves for a more economical and easy management. Very often a forest reserve occupies two sides of a mountain, an almost impassable mountain, capped with snow, perhaps, nine months in the year. During all that time, in order to manage that reservation and to police it and look after it, they have got to go clear around the mountain, many miles, not being able to cross over it. This simply gives him the power to add a portion of a forest reservation that is on one side of the mountain to another forest reservation that is contiguous to it, and so on the other side the land that is contiguous to that. It is simply for a more economical management of this forest reserve, and I do hope that the gentleman from Minnesota will withdraw his point of order.

Mr. TAWNEY. Does the gentleman say that this does not increase the power of the Secretary of Agriculture in the matter of making selections of land for forest purposes?

Mr. WADSWORTH. Absolutely not. Its purpose is simply economy of administration.

Mr. TAWNEY. If that is its purpose, I withdraw the point of order.

Mr. MONDELL. I renew the point of order, Mr. Chairman. I wish to ask the gentleman why this legislation is necessary? It is a fact that the boundaries of the forest reserves and the names of forest reserves are continually being changed now, and have always been under the law. All the forest reserves are being consolidated, divided, division lines changed, their names constantly, and at all times—and I want to call the attention of the gentleman—

Mr. MANN. They want to change the name to the Mondell Forest Reserve. That is the reason they want this authority. [Laughter.]

Mr. MONDELL. I want to call the gentleman's attention to the fact that this language authorizes the Secretary to divide all lands in national forests not in national forest reserves.

Mr. WADSWORTH. Let me correct the gentleman right there. "National forest" is the title now adopted for forest reserves instead of using the words "forest reserves."

Mr. MANN. Who has adopted it?

Mr. FITZGERALD. It is adopted in this bill.

Mr. MANN. But this bill is not law. By what authority is it done?

Mr. MONDELL. Where does the gentleman find any authority of law for referring to national forest reserves as "national forests?"

Mr. WADSWORTH. The law of the appropriation bill of last year.

Mr. MONDELL. Does not that bill use the term "national forest reserves" at all?

Mr. WADSWORTH. I will not say positively about the "at all," but the general name applied to the forest reserves is "national forests."

Mr. MONDELL. I shall insist upon my point of order, first, because the language is very ambiguous, and, second, because there is authority given to change the boundaries of forest re-

serves, carrying with it authority to change the names of forest reserves, to divide, subdivide, and consolidate. Authority to do all these things is carried in the law authorizing the establishment of forest reserves.

Mr. WADSWORTH. Let me say right there that the Forester does not so understand it, because he asked very earnestly for this proviso.

Mr. MONDELL. I will say to the gentleman that the Forester has, to my personal knowledge, divided a forest reserve in my State into three divisions and changed the names of those divisions, and that it is a fact that the boundaries of the divisions of forest reserves are constantly being changed as a matter of administration. There can be no doubt as to the authority of the Secretary to change a name which he has given to a reserve, or to divide a given reserve into two reserves for administrative purposes, or to change the boundaries of existing reserves so that the boundary line shall run on the summit of a mountain range, as the gentleman suggests, instead of running through a valley, so that it is difficult to administer; and in view of the fact that the authority which the chairman desires is now exercised by the Department and that the language herein contained is ambiguous, I insist on the point of order.

Mr. WADSWORTH. Mr. Chairman, if the Forester already has that power, I certainly have no objection to this going out. The CHAIRMAN. The Chair sustains the point of order.

Mr. SCOTT. In view of the ruling of the Chair, I would suggest that the gentleman from Minnesota ought also to strike out the words "and hereafter," in line 4, to make the language consistent.

Mr. MANN. That has gone out already. He amended it.

Mr. TAWNEY. I include the word "hereafter."

Mr. MANN. "And hereafter."

Mr. TAWNEY. No; the word "hereafter," in line 4.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TAWNEY. I think the word "and," on page 39, after "forests," was stricken out, so that the word "and," in line 4, page 40, ought not to go out, but simply the word "hereafter."

The CHAIRMAN. The point of order is sustained. The question now is upon the second point of order, raised by the gentleman from Minnesota.

Mr. TAWNEY. I insist on the second point of order. This makes an indefinite permanent appropriation.

Mr. MANN. Worse than that.

Mr. TAWNEY. I believe that all permanent appropriations should be repealed, where they can without injury to the public service; but certainly an indefinite permanent appropriation is far more out of keeping with good administration and good policy than even a definite permanent appropriation.

Mr. MANN. This would permit him to borrow money and spend it wherever he pleased.

Mr. TAWNEY. I understand the authority under this is very wide, and I do not think the chairman of the Committee on Agriculture ought to insist upon increasing the appropriation indefinitely which is granted by Congress to the Forestry Bureau, by allowing the Forester to deposit the money received for the sale of timber and for other purposes in the Treasury to the credit of his appropriation, thus indefinitely increasing the appropriation, so that Congress will never know what this Forestry Service is costing.

Mr. BROOKS of Colorado. Does the gentleman from Minnesota understand that this provision applies to the sale of timber on forest reserves?

Mr. TAWNEY. It applies to just what it says. All moneys received as contributions toward cooperative work in forest investigation and in the protection and improvement of the national forests shall be covered into the Treasury and shall constitute a special fund which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, for the payment of the expenses of such investigation, protection, improvement, etc.

I may not have been technically correct in saying that the proceeds of the sale of timber went into this fund, because I understand they now have a permanent appropriation which is made up of these sales of timber.

Mr. BROOKS of Colorado. Mr. Chairman, I think the gentleman is under a misapprehension. This does not refer to any sales of proceeds of forestry, such as timber, but in various places insect pests and other influences injurious to the forests have appeared and have wrought great injury. In some instances which have come under my own personal notice individuals have contributed to assist the forest rangers in stamping out, for instance, an insect pest or in extinguishing forest fires or in preventing some other depredations. These moneys received in this way are simply covered over into a special fund, to be handled by the Forester as a part of a

special appropriation, so that they will not eventually get back into the general funds in the Treasury.

Mr. MANN. The existing law carried in the last appropriation act has the word "hereafter" in it, so that it is permanent law, and it provides for everything that the gentleman has now stated.

Mr. BROOKS of Colorado. I believe so, if the word "hereafter" was in the law of last year.

Mr. MANN. The word "hereafter" is in it.

Mr. TAWNEY. The statement of the gentleman from Colorado [Mr. Brooks] simply gives another reason why this should not be retained, because the conduct of the Department under this provision, as he has described it, is clearly in violation of law to-day. No individual forester has a right to receive compensation from any individual or any State or any combination of individuals. The officials of the Government of the United States are allowed to receive only such money as is appropriated to compensate them for their services.

Mr. MANN. I think the gentleman from Minnesota [Mr. Tawney] is mistaken.

Mr. TAWNEY. No; he is not.

Mr. MANN. Mr. Chairman, the current appropriation contains this item:

And hereafter all moneys received as contributions toward cooperative work in forest investigations shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, for the payment of the expenses of such investigations by the Forest Service and for refunds to the contributors of amounts heretofore or hereafter paid by them in excess of their share of the cost of such investigations.

Now, that is permanent law. It does not require legislation to include that at all. That covers all the case which the gentleman from Colorado has referred to, but this provision authorizes the Secretary of Agriculture or the Chief of Forestry practically to borrow money to make permanent improvements in the forests. I don't know whether it was so intended by the committee, but that is the effect. The new provision in the bill says the money may be used not for cooperative work in forest investigations merely, but also in the protection and improvement of the national forests, and again the words "protection and improvement" appear.

Mr. TAWNEY. The words "and improvements" are new.

Mr. MANN. The words "protection and improvement" are new and are subject to the point of order, and not only subject to the point of order in that respect, but would authorize them to accept contributions which they should pay back at their pleasure, which practically is an authority to borrow money to make permanent improvements.

Mr. WADSWORTH. Mr. Chairman, I think that is a little overstated, but I yield the point of order on those words, "and in the protection and improvement of the natural forests."

Mr. MANN. The whole clause is subject to the point of order, and does not affect the authority which they now have under the existing law, which is permanent. The existing law has the word "hereafter" in it, and is permanent law.

Mr. WADSWORTH. That is all right; I understand that. I can see that the words "and improvement" are subject to the point of order.

Mr. TAWNEY. Under the ruling of the Chair the entire paragraph, or that portion to which I made the point of order, would go out.

The CHAIRMAN. That is a correct statement. The Chair sustains the point of order to the words included in the paragraph referred to by the gentleman from Minnesota.

Mr. MANN. So that there may be no error, will the Chair have the Clerk read the words which go out?

The CHAIRMAN. The Clerk will report, unless objection is made, the words which go out under this point of order.

The Clerk read as follows:

On page 40, beginning line 15:
"and hereafter all moneys received as contributions toward cooperative work in forest investigations and in the protection and improvement of the national forests shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended as the Secretary of Agriculture may direct, for the payment of the expenses of said investigation, protection, and improvement by the Forest Service, and for refunds to the contributors of amounts heretofore or hereafter paid in by them in excess of their share of the cost of said investigations, protection, and improvement."

Mr. WADSWORTH. That leaves the law exactly as it was last year.

Mr. TAWNEY. I suggest it ought to go farther and include the words "to transport and care for fish and game supplied to stock the national forests or the waters therein."

Mr. MANN. Will the gentleman from Minnesota permit me to suggest that he might well not make the point of order on the transportation of fish?

Mr. TAWNEY. That is not new.

Mr. WADSWORTH. Yes; it is new.

Mr. MANN. It is only desired to permit the Bureau of Fisheries to furnish fish to the Forester to put in the national reserve, and there ought to be no objection to that.

Mr. TAWNEY. I do not object to a proposition of that kind, but I supposed it was part of the existing law.

Mr. WADSWORTH. It is not.

Mr. TAWNEY. If it is not, I withdraw the point of order.

Mr. MANN. Make the point of order end with the word "improvement" in line 25.

The CHAIRMAN. Unless there is objection, it will be so understood. [After a pause.] The Chair hears no objection.

Mr. LACEY. Mr. Chairman, I desire to ask the chairman of the committee a question in regard to how he understands the money now received for sales of timber is disposed of?

Mr. WADSWORTH. It is turned into the Treasury and used for continuing the work of the forest reserves, forms part of the available sum for that use by the Secretary of Agriculture.

Mr. LACEY. It is a permanent indefinite appropriation?

Mr. WADSWORTH. Yes.

Mr. LACEY. So that that sum can be used without regard to what it is used for so it is used within the law.

Mr. WADSWORTH. For the maintenance, improvement, and protection of the forest reserves.

Mr. LACEY. What was the amount of this indefinite appropriation last year?

Mr. MANN. It was not a permanent indefinite appropriation; it is only from year to year.

Mr. LACEY. The gentleman from New York states it is permanent.

Mr. MANN. I thought the gentleman from Minnesota suggested the striking out of the word "hereafter" in that item.

Mr. WADSWORTH. The receipts from timber sales in 1906 were \$252,527.09.

Mr. LACEY. How long does this permanent appropriation run?

Mr. WADSWORTH. It runs right along.

Mr. MANN. Authority is only conferred from year to year to cut this timber.

Mr. LACEY. I would ask the gentleman if he does not think it would be well to encourage the cutting of this timber so as to reduce the price of lumber, to throw more of this timber on the market?

Mr. WADSWORTH. I certainly do. I believe in treating our forest reserves as other governments treat theirs, but I was not going to take up this matter yet. I did not think we had reached it, but here is a table—

Mr. LACEY. I want to hear from the gentleman when he thinks he has reached the proper point.

Mr. TAWNEY. Mr. Chairman, the next point of order I made is on page 41, line 2, beginning after the word "therein," "to employ fiscal and other agents, clerks, assistants, etc., for that service in Washington." The point of order is made on the ground it changes existing law. It is, in fact, a violation of existing law.

The CHAIRMAN. Will the gentleman from Minnesota call the Chair's attention to the particular law?

Mr. TAWNEY. The act of 1882 expressly prohibits the employment of any personal service in the city of Washington to be paid out of a lump-sum appropriation, and expressly requires that these Departments shall specifically estimate for the number of clerks and other employees required in their respective Departments.

That is the existing law, and has been since 1882. Prior to that time there was general authority for the employment of personal services or for compensating for personal services here in the city of Washington out of lump-sum appropriations. And the practice existed to such an extent and has been abused to such an extent that Congress passed a law expressly providing that hereafter there should be no employment and no compensation paid out of lump-sum appropriations for personal services here in the city of Washington.

The CHAIRMAN. Has the gentleman from Minnesota [Mr. Tawney] the law on that?

Mr. TAWNEY. I had it in my committee room only day before yesterday. I have not got it here, but the same question arose on an estimate from one of the Departments where the estimates for the services for one of the bureaus called for a lump-sum appropriation, and the attention of the officer was called to this law. I cited the law, and he was informed unless he submitted a detailed estimate the Committee on Appropriations could not consider his estimate at all.

Mr. KENNEDY of Nebraska. Mr. Chairman, I would suggest to the gentleman from Minnesota and to the Chair that a similar

provision went out the other day on the paragraph relating to the grain laboratory.

Mr. TAWNEY. It is the act of 1882, which reads as follows:

No civil officer, clerk, draftsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee authorized after October, 1892, to be employed in any of the Executive Departments or subordinate bureaus or offices thereof at the seat of government, except only at such rates and in such numbers, respectively, as may be specifically appropriated for by Congress; and for such clerical and other personal services for each fiscal year no civil officer, clerk, draftsman, copyist, messenger, assistant messenger, watchman, mechanic, laborer, or other employee shall hereafter be employed at the seat of government in an Executive Department or subordinate bureaus or offices thereof, or to be paid from any appropriation made for contingent expenses or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law making the appropriation.

Mr. WADSWORTH. That law seems to cover that paragraph, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. WADSWORTH. But the item is similar to a provision that was in last year's bill.

Mr. TAWNEY. My point of order goes to the language from the semicolon after the word "therein," in line 2, down to and including the semicolon in line 5, after the word "elsewhere."

Mr. WADSWORTH. I think the gentleman is mistaken about that. He does not wish to preclude the payment of fiscal or other agents, but he wants to preclude their employment in the city of Washington. Therefore I suggest that he amend his amendment and strike out "in the city of Washington."

Mr. MANN. This does not say "employment in the city of Washington." This says "conducting experiments and investigations in the city of Washington."

Mr. TAWNEY. Yes.

Mr. MANN. It does not provide for the employment of agents, clerks, or other labor required in practical forestry.

Mr. TAWNEY. I do not know how you can perform a service of any kind without employing personal service.

Mr. MANN. I say the agents and clerks provided here in practical forestry are not referred—

Mr. TAWNEY. This proviso authorizes the employment of these men in the city of Washington and elsewhere. My point of order goes to the authority of clerks here in the city of Washington.

The CHAIRMAN. The Chair has sustained the point of order.

Mr. WADSWORTH. For the information of the committee will the clerk read that paragraph just as it will read?

Mr. TAWNEY. He is authorized to employ his men for the making of these investigations outside of the city of Washington, in another part of this bill. Therefore the language between these two semicolons should go out, because that relates only to the employment of these men here in the city of Washington, except in so far as the words "and elsewhere" add to his authority to employ—they can not add to it—from appropriations made in another part of the bill for outside investigations. This is all provided for in another part of the bill.

Mr. WADSWORTH. In no other part of the bill are those words used to employ fiscal and other agents, clerks, and other laborers required in forestry. The language is to enable the Secretary of Agriculture to investigate and to make a continual investigation. If that language is broad enough to suit the gentleman from Minnesota [Mr. TAWNEY] I have no objection to it.

Mr. TAWNEY. I want to put a stop to this employment.

Mr. WADSWORTH. That is a little technical, but I am not disposed to waste much time on it. I hope the gentleman from Minnesota will modify his motion.

Mr. TAWNEY. I think, perhaps, Mr. Chairman, that the objection made by the gentleman from New York, in charge of the bill, can be met by striking out or making my point of order applicable to the words, after "forests," in line 4, "and in conducting experiments and investigations in the city of Washington and elsewhere;" so as to read: "To employ fiscal and other agents, clerks, assistants, and other labor required in practical forestry, in the administration of national forests."

Mr. WADSWORTH. That is perfectly satisfactory, Mr. Chairman.

The CHAIRMAN. If there is no objection, and that is the sense of the committee—

Mr. SMITH of California. If the gentleman from Minnesota does not object to them conducting experiments outside of Washington, why does he strike out the word "elsewhere?"

Mr. TAWNEY. If the gentleman from California is right that the word "elsewhere" is necessary, then the words "elsewhere than in the city of Washington" ought to be added to it.

Mr. BROOKS of Colorado. The general language of page 38 covers that.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The Chair sustains the point of order. The Clerk will now read, in order that no mistake may be made, the paragraph as it will stand.

Mr. MANN. The full paragraph?

The CHAIRMAN. No.

The Clerk read as follows:

To employ fiscal and other agents, clerks, assistants, and other labor required in practical forestry in the administration of national forests.

Mr. WADSWORTH. All right.

Mr. MANN. Now, Mr. Chairman, I made the point of order upon that part of the paragraph authorizing the procurement of an official seal. I am perfectly willing to reserve the point of order if the gentleman from New York wants to make a statement.

Mr. WADSWORTH. The Forester wanted it because the seal is needed where there is any lawsuit. However, if the gentleman insists, the seal of the Department will answer just as well.

The CHAIRMAN. Before going to that language, referred to by the gentleman from Illinois, the Chair thinks the point of order raised by the gentleman from New York [Mr. FITZGERALD], which is pending, should be disposed of.

Mr. FITZGERALD. I made the point of order against the language commencing on line 15: "And periodicals for circulating library for officers of the Forest Service stationed outside of Washington." That is found in lines 15 and 16.

Mr. WADSWORTH. Mr. Chairman, it has been thought wise by the Forester to establish at these isolated cabins where the range riders live small libraries, technical, relating almost entirely to forestry. They can not draw from the libraries here, and I think it is wise provision to let them have access to books touching upon forestry and, in a limited way, to other literature.

Mr. FITZGERALD. By leaving in the words "technical books" the Department can purchase whatever books of that character are required. In the investigations that have been made during the past three or four years it has been found that wherever a Department or bureau has power to purchase periodicals great abuse has grown up. I object to "periodicals."

Mr. WADSWORTH. I agree with the gentleman; and we have remedied that in the Department almost entirely, I may say entirely. There was a disposition in every bureau chief to start a library of his own. Now we have stricken out from every bureau the right to buy books, and they must ask them from the central libraries. We might require them to draw them out and give a receipt for them, just as we give a receipt for them. That is why we use the word "circulating library." It is not proposed to establish a library at every little post; but the idea is at one post, at one central management post on the range or reservation, just exactly as the bureau chiefs draw from the central library here.

Mr. FITZGERALD. Can not that be done without that special language?

Mr. WADSWORTH. I do not think it can be done. I do not see how they can buy books without you give them the power to buy.

Mr. FITZGERALD. The only language I object to is, "and periodicals for circulating libraries." Now, there is authority for the purchase of "technical books," and I assume the Department can distribute those books.

Mr. WADSWORTH. I do not think the gentleman would be so hard hearted as to refuse the purchase of a few books for the use of these people out on these lonely ranges.

Mr. MANN. Do you want them to get Scribner's Magazine?

Mr. FITZGERALD. If the gentleman will permit, I felt that way at one time, but last year it was found that statements were made that about \$150 was spent under a similar provision by one particular Bureau of the Government, and when the detailed statement was furnished it was found that \$4,000 had been expended. I am not willing to give this power to any official of this Government, because my experience has been that he will undoubtedly abuse the power.

Mr. MANN. Why does not the gentleman from New York agree to strike out the word "periodicals?"

Mr. FITZGERALD. And "circulating libraries," too.

Mr. WADSWORTH. I can only say with reference to Mr. Pinchot that the experience of the committee is that he has never abused his power.

Mr. MANN. There is grave danger that Mr. Pinchot will not continue forever to occupy this position.

Mr. FITZGERALD. If the common reports be true as to his popularity in certain places, it is very doubtful if Mr. Pinchot will remain long in this particular position.

Mr. LEVER. I would suggest the chairman of the committee consent to strike out the word "periodicals."

Mr. FITZGERALD. I am inclined to believe that if the Department has the right to purchase "technical books," it can purchase the books that may be required for the service and send them wherever they are required.

Mr. MANN. Will the gentleman from New York yield to me for a moment? I suppose the purpose of this is to establish circulating libraries in the same manner as they are now carried on in the lighthouse service. I will say to the gentleman from New York that in my judgment the little libraries that move around from one place to another, in the lighthouse service, save the sanity of a good many men who are employed in that service, where it is not possible for them to reach other human beings for a considerable portion of the year. They have that method of exchanging a few books from one place to another, and while I agree that we ought not to buy periodicals, and I should think the gentleman might well strike out periodicals, I do not object to their having technical works on forestry.

Mr. LAMB. That is what is intended.

Mr. MANN. So that the men who are working in the Forestry Service shall have an opportunity, during the time when they can not find anything else to do, and can see nobody else, of reading these technical works on forestry and benefiting the Government thereby.

Mr. FITZGERALD. The conditions in the light-house service and the Forestry Service are not at all similar. A man in the light-house service is confined in a light-house isolated from everything. He has nothing to do and nothing to see. He must necessarily read. A man in the Forestry Service, during the daytime at any rate, will be engaged outdoors on many different things. Now, if the Department can purchase "technical books" and can send those books wherever its employees require them, it does not need to establish circulating libraries for that purpose.

Mr. MANN. I am not sure that the Department would have authority, without an act of Congress, to purchase books in Washington for the use of the Department here and then send them out to Wyoming.

Mr. FITZGERALD. The Treasury Department, without any particular authority to establish circulating libraries, sends out certain books that are required by its employees—the customs regulations, for instance, and other publications. I believe this Department can do the same thing.

Mr. WADSWORTH. One word more, Mr. Chairman.

Mr. COCKS. Mr. Chairman, who has the floor?

Mr. LAMB. I ought to have it.

Mr. COCKS. I should like to ask the gentleman from New York if he does not think that a man who is in an isolated cabin in a forest reserve is very similarly situated to a man in a light-house, especially in the long winter nights? And what objection can there be to having little circulating libraries that are passed on from one cabin to another? It seems to me the condition is almost identical with that of the men in the light-house service. They are both isolated from human society. I hope the gentleman will withdraw his point of order.

Mr. FITZGERALD. Oh, Mr. Chairman, there is no similarity at all between the conditions of the forestry service and the light-house service. I happen to have been situated both ways, and I know.

Mr. COCKS. So do I.

Mr. LAMB. I knew the committee had interrogated Mr. Pinchot on this matter, and here is what Mr. Pinchot says:

We have a lot of men in the reserves who are anxious to learn, but they can not afford to buy expensive books on forestry themselves. We have them in the library here, but we have not enough of them. Therefore we wanted to make a little circulating library on various topics, to go from reserve to reserve, or from man to man in the reserve, so that the men could study.

That is what Mr. Pinchot said on the subject.

Mr. WADSWORTH. Mr. Chairman, just one word more. Mr. Pinchot estimates that these libraries would cost from \$25 to \$40. Maybe that will soften the hard heart of the gentleman from New York.

Mr. FITZGERALD. That is the way they start, but the finish is always very different. The Department under the language left in the bill will have the power to purchase all the "technical books" it requires and to send those books anywhere it pleases. That is all the power it should have.

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. FITZGERALD. I do.

Mr. WADSWORTH. I yield it.

The CHAIRMAN. The point of order is sustained. The

question now recurs to the point of order made by the gentleman from Illinois.

Mr. MANN. Mr. Chairman, is the gentleman from New York able to make any differentiation between this and the other?

The CHAIRMAN. Does the gentleman from New York [Mr. WADSWORTH] care to be heard on this point of order?

Mr. WADSWORTH. On what has the gentleman raised the point of order?

Mr. MANN. I reserved the point of order on the official seal.

Mr. WADSWORTH. Oh, I yield that.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Total for salaries and general expenses, Forest Service, \$900,000.

Mr. LACEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Add at the end of line 13, page 42, the following:

"That marketable and ripened timber shall be sold for reasonable prices by the Secretary of Agriculture, such sales to be made only to persons not connected with any trust or combination entered into to control the product or prices of timber, and the Secretary may sell such timber from time to time at such prices as will tend to cheapen lumber in the open market to consumers."

Mr. WADSWORTH. Mr. Chairman, I reserve the point of order on that.

Mr. MANN. Mr. Chairman, I make the point of order.

Mr. LACEY. Oh, I trust the gentleman will withhold his point of order until the matter can be explained.

Mr. MANN. Very well, I will reserve the point of order.

Mr. LACEY. Mr. Chairman, I want to be heard on this question briefly. I have always had a good deal of interest in the forest reserves. About the first work I ever did in the Congress of the United States was, in 1891, to help draw the bill creating these forest reserves. The law has been in force now not very many years, but we have accumulated in the reserves over 100,000,000 acres of the best remaining timber on the continent, an area equal to Iowa and Missouri combined. The immediate effect of this vast withdrawal of timber from the market has been to very greatly aid the lumber trust, the men who are engaged in combination to keep up the prices. There has been withdrawn and set apart now, I think, about 116,000,000 acres of land. Practically all the remaining timber upon the public land is now owned by the Government, so that the men who are controlling timber under private ownership feel perfectly secure that this vast amount has been withdrawn from competition with them, and that has been one of the great elements that have aided them in the tremendous advance of prices within the last few years.

The forest reserves are now being administered upon the theory that they should make as much money as they can out of the timber; that when the timber is sold it should be sold at good stiff prices. This timber belongs to the United States, to the nation. Its immediate withdrawal in such enormous quantity from the markets of the country has aided greatly in enhancing the price and causing the present extravagant prices that lumber now brings in the open market. If under this provision the Secretary of Agriculture should not put this timber on the market at as good a price as he can get, but instead should bear the market with it, should sell it at a reasonable price, and sell it to nobody connected with any combinations or trusts now controlling the market, the effect of thus using 116,000,000 acres of the best of our forest lands in the interest of the consumer instead of in the interest of the men who control the lumber business would be a tremendous factor upon the price of lumber.

Mr. DRISCOLL. If he should sell it for less than the market price, who would fix the price?

Mr. LACEY. Let him sell it at a lower price than the enforced market price. That is the purpose of this amendment, authorizing him to put the price down when he thinks it is extravagant, and thus, instead of combining with the lumber trust to raise the price of lumber, use this enormous area of timber for the benefit of the consumer.

Mr. DRISCOLL. If he sells it for less than the market price, how will he distribute it evenly?

Mr. LACEY. The proposition is to allow him to sell it for less. The market price to-day is not only the market price; it is an artificial price fixed by combination, instead of being the price fixed by the market.

Mr. DRISCOLL. But it still is the market price, is it not?

Mr. LACEY. When one man makes the market price that is the market price, and when a combination makes the market price that is the market price also; but if the Secretary of Agriculture says, "Gentlemen, you are selling lumber at \$30 or \$40 a thousand that ought to be sold for much less, and I am going to sell it for much less," then they will have to come down

to his price. In other words, put the Secretary of Agriculture on the other side of the market instead of upon the bull side, and the people of the country are interested in the bear side of lumber at the present time more than ever before in the history of the United States.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. LACEY. Certainly.

Mr. TAWNEY. I agree with the gentleman as to the effect of withdrawing all the forests of the United States from the market upon price of lumber, and that it results in increasing the price of lumber, but does the gentleman know—I suppose he does—that the Secretary of Agriculture, in the administration of the forest reserve, does not deal in lumber at all, but in stumpage? If his amendment is held in order I shall cheerfully vote for it in the hope of reducing the price of lumber.

Mr. LACEY. Certainly.

Mr. TAWNEY. Now, I am informed by the Forestry Bureau that the Government price of stumpage is to-day far below the market price of stumpage sold by individual owners to the great lumber concerns of this country. I want to call his attention to another fact and a change that should be made in his amendment, that he should also include the words "or any member thereof," in reference to the trusts, because these combinations, I have no doubt, are made up of a great many different lumber concerns, and none of them should be allowed to compete for this stumpage.

Mr. LACEY. I think the proposed amendment is broad enough now.

Mr. TAWNEY. The independent members of these corporations or trusts might be able to go in and buy stumpage just the same, and you would not accomplish the purpose which you intend.

Mr. LACEY. I think the amendment is broad enough as it is, but if not, I should be glad enough to have it amended so as to secure the results desired; but what I want the House and what I want the country to understand is to know that, while we have been moved by a wise and beneficent purpose, the immediate effect of this tremendous withdrawal has been to play directly into the hands of the lumber trust.

Mr. MANN. Will the gentleman be willing to add an amendment, "Provided, That the Government should not lease any land for cattle or sheep grazing unless the parties should agree to sell them at a much reduced price from the present outrageous and exorbitant price which the farmers are now getting?"

Mr. LACEY. That is another matter, and my friend might prepare an amendment in regard to that. I would not lease any forest reserve for grazing to these persons connected with the beef trust either; but that is a different proposition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LACEY. Mr. Chairman, I would ask for a few minutes more.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed—for how long?

Mr. LACEY. Oh, for about three minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MACON. Will the gentleman yield for an interruption?

Mr. LACEY. Certainly.

Mr. MACON. Does the gentleman think the lumber trust any worse than many of the other trusts of this country?

Mr. LACEY. Oh, no, not at all; but the gentleman, if he has followed my remarks closely, will see the point I am trying to make is this, that under the existing law we have unintentionally been playing into the hands of the lumber trust by the withdrawal of great areas of land heavily covered with timber from the lumber markets. Now, that can be prevented by making the price of the stumpage, and there is a present law authorizing the sale of that stumpage, low rather than high, and making it so as to keep the price of lumber within reasonable bounds, rather than in order to secure as much as possible revenue from the forests of the country.

Mr. FITZGERALD. Mr. Chairman—

Mr. MACON. Now, will the gentleman yield—

Mr. LACEY. I yield to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. How will the Department determine when the prices are unreasonable in the open market?

Mr. LACEY. There is no question about them being extravagant now, none whatever.

Mr. FITZGERALD. The purchaser would always feel that way.

Mr. LACEY. Certainly the purchaser, when he is confronted with the double, treble, quadruple price in a short time, and when he ascertains that the Government inadvertently has been aiding in that increase in price, he would naturally look to the

Government to help him instead of encouraging the extravagant price he is compelled to pay.

Mr. FITZGERALD. Well, would not this same thing be accomplished by taking the tariff off lumber and letting it come in free from Canada?

Mr. LACEY. The trouble is in Canada they do not have much timber, and the price of lumber is as high, higher, to-day in Canada than in the United States. The advance in lumber is very many times the amount of the duty, which is \$2 a thousand feet.

Mr. FITZGERALD. They want it in my State pretty badly.

Mr. LACEY. Very well. We might agree on that when the proper time comes, but here is the proposition we are confronted with now, and I desire not to be drawn into a tariff discussion. We know when we made lumber imported from Canada free that they immediately put an export duty of the same amount that we took off, and the result was we paid the same duty, \$2, but paid it into the treasury at Ottawa instead of at Washington. I do not care to discuss that now. We are on the agricultural bill now. I have presented a direct proposition on the present bill. The Congress of the United States is in position to go on the bear side of the lumber market with its enormous area of splendid timber lands, and I think it is time to move in that direction, and I trust that the gentleman will withhold his point of order and let the House vote on this amendment.

Mr. MONDELL. I wish to very heartily indorse all that the gentleman from Iowa [Mr. LACEY] has said in regard to the effect of the Government's policy in connection with the forest reserves. In the intermountain States we have witnessed the rather remarkable spectacle of the establishment by the Government of the United States of a complete monopoly in lumber, and then of the Government's taking advantage of the monopoly thus created to raise the price of lumber as high or higher than the prices charged by the alleged lumber combines of the Pacific coast.

When the forest reserves were first established a nominal price was placed upon stumpage, not exactly a nominal price, but a fair price, averaging in the intermountain country a dollar a thousand for live timber. Gradually that price has increased until now the Government is selling lumber or timber at one point in my State—jack pine, spruce, inferior timber—at \$5 per thousand stumpage. The result of that has been in connection with the demands made by the Forest Service upon the operator to clean up all lops, tops, and chips made in his operation, to increase the price of lumber in that locality about \$7 a thousand and to increase it about \$7 above the price in other localities with similar timber supply where, fortunately, the Government has not established a monopoly.

In the Yellowstone Forest Reserve in my State, twice as large as the State of Massachusetts, is included practically all of the forest in a region of 50,000 square miles. The Government, as the owner and possessor of that forest, has a monopoly and has advanced the price with each successive sale of lumber until one by one the small mill owners, by reason of the advancing price and the ever-increasing requirement as to clearing up the tops and burning them, have been forced out of the business of lumbering, and we have one company purchasing millions of feet of the Government timber, monopolizing the sale of lumber in that locality and compelled to charge from \$5 to \$7 a thousand more than the small mills charged a few years ago.

But some of our friends say this price is not exorbitant. If it were the Government could not obtain it. The Government obtains this price because it has a monopoly. On the other side of the Big Horn Basin, where a governmental monopoly has not been established, where private owners have purchased timber lands under the timber and stone act and acquired timber lands in other ways, the little mills still sell lumber at about \$12 to \$14 a thousand at the mills; while about the Yellowstone Forest Reserve, under Government sales, the price is from \$18 to \$22. In other words, the private mill owner, cutting his own lumber, is selling it at a profit of about a dollar a thousand stumpage, while this great and glorious Government, for the purpose of swelling the surplus in the Treasury and relieving you folks down east from taxation, charges my constituents from \$5 to \$7 a thousand for lumber more than they would have been compelled to pay had not this Government monopoly been established.

The Pacific coast has this advantage, that it has millions of acres of fine forest lands and no combination there can raise the price above what we would consider a very reasonable price. Everything we produce in the intermountain country we must ship to far-distant markets. Everything we use must be transported a great distance and at high freight rates. If our locality gives us any advantage at all to offset these disadvan-

tages it is in the scrubby forest on our mountain slopes. Along comes the Government in the pursuit of a beneficent purpose, establishes a monopoly, and proceeds to charge a price for forest products that the most soulless private monopoly on the face of the earth would blush to charge. As the price of lumber has raised on the coast and the freight rates to our markets have increased, the Government has put on the thumbscrews, and every time a new contract is to be let the price of stumpage is higher, higher, higher, and the Government becomes the strongest and best ally of the lumber barons. Why, there are reserves in my State where the Government could just as well get \$10 a thousand stumpage as \$5, for these reserves constitute the only source of supply, and the settler must have the lumber; and we anticipate that within another year, if the same policy is pursued that has been in the past, that we will not be paying \$5 per thousand into the National Treasury on every thousand feet of lumber that we use, but ten and twelve; for there is no limit to the price this Government monopoly may compel settlers to pay for those things they must have in regions where the Government owns all the forests.

Now, Mr. Chairman, it certainly was never intended that in the establishment of forest reserves for the protection of the forests from destruction, for the conservation of the water supply, that the Government should use those forest reserves for the purpose of establishing a lumber monopoly, and in the establishment of it to aid, to abet, to encourage, to help and fortify the lumber trust, if there be one. Forest reserves were not established for the purpose of making money for the Government. They were established for the purpose of conserving these forests for the purpose of conserving the water supply, for the purpose of retaining a condition in those regions which would bring about reforestation. The Government could do all this and have sufficient revenue ultimately for the care of the forests and still charge a fair and reasonable price for forest products. Instead of that each inspector who visits our reservation "boosts" the price a little higher, until we have had a monopoly established by the side of which the alleged lumber monopoly on the Pacific coast is a mild-mannered and philanthropic organization.

Mr. WADSWORTH. Mr. Chairman, I insist upon my point of order.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to proceed for three minutes on this general subject.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, if this amendment be ruled in order, I shall ask the committee to consider an amendment to it which I have prepared. It is to add to the proposed provision of the gentleman from Iowa this:

And whenever the Secretary of Agriculture shall determine that the market price of lumber is unreasonable and shall offer lumber for sale under this provision for less than the market price, lumber shall be admitted to the United States free of duty during the period that such sales shall be so made by the Secretary of Agriculture.

Mr. WADSWORTH. I reserve the point of order on that.

Mr. MANN. It has not been reported yet.

Mr. FITZGERALD. I would not expect my colleague to reserve a point of order against that provision, because the residents of his own particular section of my State are suffering from inability to get their lumber at reasonable prices by reason of the tariff. If this lumber trust, as has been pointed out recently in a very able speech in another place, is extorting unreasonable sums from the people, not only should the Government use the lumber in these great forest reserves to prevent extortionate prices being charged, but it should open to the people of this country the lumber from all over the world so as to break down and destroy this cruel and unjust trust.

Mr. LACEY. Will the gentleman permit me to ask him a question?

Mr. FITZGERALD. Certainly.

Mr. LACEY. I will ask the gentleman if he does not think it hardly proper to inject a political question into this question, where a legitimate and proper relief can be had in the legislation now before the committee?

Mr. FITZGERALD. Mr. Chairman, it is not injecting a political question into this matter. The gentleman from Iowa has suggested an amendment to this bill. If the conditions be as he describes, if relief be so imperatively required, then I suggest that, disregarding whatever politics there may be, we meet on the common ground of a desire to benefit the people of the entire country and to relieve them from the exactions of an unholy and cruel trust. I know gentlemen on that side of the House will not invoke the technical rule to prevent the people from having relief from the operation of this monopoly, which has been condemned by everybody familiar with the facts.

Mr. WADSWORTH. I make the point of order against the amendment.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard upon the point of order?

Mr. WADSWORTH. It is new legislation, and not germane.

The CHAIRMAN. The Chair is ready to rule.

Mr. LACEY. I concede that the point of order is good, but I trust that the gentleman in charge of the bill, recognizing that it is in the interest of agriculture, will not insist upon it.

The CHAIRMAN (Mr. OLMSTED). It seems to be clear that the proposed amendment seeks to confer upon the Secretary of Agriculture power that he does not now possess; that it changes existing law and is legislation on an appropriation bill, in violation of the rule. The Chair therefore sustains the point of order.

The Clerk read as follows:

And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$500,000, to be immediately available and until expended, as the Secretary of Agriculture may direct, to construct permanent improvements for the proper and economical administration, protection, and development of the national forests.

Mr. MANN. I make the point of order on the paragraph.

Mr. TAWNEY. I reserve the point of order on the paragraph.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. MANN. I wish to make a point of order against the paragraph from line 14 to line 20. I will reserve the point of order if the gentleman desires.

Mr. SMITH of California. I hope the gentleman will reserve it for a moment.

Mr. MANN. First, it provides that the money shall be appropriated until expended; second, I desire to reserve a point of order against the part providing that he may construct and establish permanent improvements. So far as I am concerned, if those were stricken out of the paragraph I should have no objection to it. I reserve the point of order.

Mr. WADSWORTH. I stated a few moments ago that the Government had taken over these forest reserves. We are taking care of them, we are policing them, we are preventing trespass on them, and we have now reached the point that has been reached by all the foreign governments that have gone into forestry—a point where we can develop these forests, where we can cut the surplus timber every year and make them finally self-sustaining. That is all there is of it, and this is simply to furnish the Forester with a working capital, exactly as men need a working capital in any business, to be used in building roads, opening up trails, and all that kind of work.

Mr. TAWNEY. Will the gentleman from New York permit a question for information?

Mr. WADSWORTH. As to making the appropriation available until it is expended, he might use all of it this year or he might not.

Mr. TAWNEY. I desire to ask the gentleman from New York if he can give the committee any information as to the relative size of the forests of European governments and the size of our present forest reserves in the United States?

Mr. WADSWORTH. I can not give exact comparisons, but the forest reserves of the United States are equal to all New England, New York, and, I think, part of Pennsylvania in area—127,000,000 acres of land. They constitute a domain.

Mr. TAWNEY. You were making a comparison a moment ago with regard to foreign countries and the administration of their forest reserves. I want to ask the gentleman if he can give us any idea of the size of the forest reserves of foreign countries, to which he referred a moment ago?

Mr. WADSWORTH. I have not the figures to make a comparison between the size of the forest reserves in Europe and the size of our forest reserves, but I will state that the forest reserves of the European countries which have them are more than self-sustaining. They all yield handsome revenues to the government, and I have before me here a statement by the Forester, showing his estimates of receipts and disbursements for the next ten years, which shows that in 1917 the estimated receipts will be \$6,000,000 and the estimated expenditures \$4,900,000, leaving a net surplus of something over a million dollars to be turned into the Treasury of the United States. That arises entirely from the sale of the surplus or what you might call "matured" timber and from grazing on the forest reserves. For instance, he estimates that in 1917 the sales of timber will amount to \$4,500,000 and that the receipts from grazing will be \$1,500,000, making a total of \$6,000,000. Now I will yield to the gentleman.

Mr. MANN. Will the gentleman inform us whether this

amount of money which he has referred to as the estimated receipts in 1917 or any other time—the \$6,000,000—is authorized to be expended by the Secretary of Agriculture without any affirmative action on the part of Congress?

Mr. WADSWORTH. It is.

Mr. MANN. So that if this appropriation goes into effect, giving the Secretary of Agriculture the working appropriation which the gentleman refers to, it will be wholly beyond Congress, and the Forester will absolutely take control of the forests.

Mr. WADSWORTH. The forests and the receipts.

Mr. MANN. And he will run the whole thing on a business basis, according to his plan, without coming to Congress for an appropriation, without asking Congress to decide whether certain improvements should be made or whether certain officials should be employed, but leaving it wholly to him to expend all of the money coming in, the receipts from the sale of forest timber, as he may be pleased.

Mr. WADSWORTH. There is no doubt about it, if this thing is done the Government goes into the business. They propose to sell timber and to rent pasture. There is no doubt about that. But what else are you going to do with that forest? Other governments have done it and make handsome incomes out of it. It is simply a question for this House to decide whether they want that done or whether they want this vast territory held in idleness. The foresters are required to make annual reports of expenditures to the Congress, and Congress, at any time, can take this up and put upon it any curb they may deem wise.

Mr. MONDELL. I want to suggest that the President in his special message to Congress suggested a loan of \$5,000,000 for the purposes for which this \$500,000 is to be used. In other words, to build rangers' cabins, to build roads, to make trails, to put up telephone lines, and to do those things that are necessary for the proper control of the reserve and for the best utilization of the reserves and their products, to protect them from fires, and to provide for the disposition of their products. They need a sum in addition to the regular appropriation, which is used for administrative purposes, for the pay of rangers and like purposes, an additional sum for the purpose of erecting these comparatively inexpensive but necessary permanent ways and structures.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent that my time may be extended.

The CHAIRMAN. The gentleman from New York asks unanimous consent that his time may be extended. Is there objection?

There was no objection.

Mr. MONDELL. As I was saying, an additional sum is needed for the purpose of erecting these small, comparatively inexpensive, but permanent structures for the protection of the rangers in the discharge of their duties and to enable them to patrol the reserves. Personally I did not think that the Forestry Service could use economically as large a sum as was suggested in the President's message. I believe they can use properly and that they will use economically within the year the sum herein provided.

Mr. MANN. Assuming that that be true, is that any reason why the Forestry Service can not estimate to Congress what they want and the amount they want as well as the Army and Navy does, as well as every other branch of the Government does?

Mr. MONDELL. Does the gentleman's objection relate to the fact that there is no limitation on the period within which this can be expended?

Mr. MANN. That provides for permanent improvements in a general way without any limitations.

Mr. MONDELL. If there be no special objection to limiting that—

Mr. WADSWORTH. None at all.

Mr. MONDELL. Then limit it to twelve months.

Mr. MANN. Here is the point: Under this bill the Forester—I don't know that he would—could commence a thousand different permanent improvements, and every one of those improvements would be a work in progress for which an appropriation could be made, and we all know that these appropriations when started are easily obtained and made. Now, I think that we ought to know what the improvements are, and that there ought to be a limitation. I have no objection to giving the Forestry Service \$500,000 to complete improvements within the year, but not to commence them without any limitation.

Mr. MONDELL. I want to call the gentleman's attention to the fact that it would be impossible to complete at once many

of the improvements to be made. For instance, a trail through the forest reserve may run for 20 miles across a mountain range. It may not be entirely completed this year, and yet it is made good enough so that a pack animal may pass along it.

Mr. MANN. The trail can be completed as far as it goes.

Mr. TAWNEY. Will the gentleman from Wyoming permit an interruption? Speaking of trails, there are other Departments of the Government that are authorized to make trails, that come to Congress and secure appropriations, but they come with specific estimates as to what the cost of that trail will be. There are other Departments that come to Congress that have authority under the law to put roads in the national parks and in Government reserves. They come to Congress with specific estimates of what it will cost, and they get the appropriation for it. In what respect does the Forestry Service differ from the service in any other Department that would exempt them or would justify Congress in exempting that Department from coming here with a specific estimate for appropriations to make these improvements which they say are necessary in these forest reserves?

Mr. MONDELL. Why, Mr. Chairman, this is a specific estimate.

Mr. TAWNEY. Oh, no; it is not. It is a lump-sum appropriation, to be expended in their discretion. It may be all expended on one improvement.

Mr. MONDELL. Certain classes of improvement.

Mr. MANN. There is no limitation upon the class of improvements.

Mr. TAWNEY. None at all. Then why can not they get that information and come here to Congress with it, that we may act intelligently as to whether or not the Department is spending more for a given object than in the judgment of Congress should be expended?

Mr. MONDELL. With my high opinion of the intelligence of the gentleman from Minnesota, and his wide knowledge of these things, I am surprised that he suggests that it would be possible for the Forestry Service, occupying a territory of 106,000 acres, three times the size of the State of New York, to come to Congress and specifically estimate for every trail that it might desire to cut in any one of the 105 forest reserves. Why, it would be utterly impossible to make any such estimate; utterly impossible to estimate where they want rangers' cabins, where they want trails. That is a matter of development.

Mr. WADSWORTH. Further than that, I should say to the gentleman from Illinois, the trails to be built and roads to be built depend greatly upon the demand for timber, and that no man can foresee. They may want it in one reserve or in another reserve or—

Mr. MANN. It is not difficult; every other branch of the service does the same thing. The Forester here does not know where the trails are to be made. If he is asked to-day where a trail is to be made, he has no conception of it; he must act upon information which comes to him, and eventually it is the ranger himself, the lowest official in the service, who starts it and gradually that sifts down to the head, and when that gets here they must have information upon which to base their action, and there is no more difficulty in submitting that information to Congress with the request than there is to act upon it. Here is a case a good deal stronger than this case—where we are constructing the Panama Canal. We know exactly what we want and yet we refuse to make appropriations without estimates, and we passed a law requiring the Canal Commission to make estimates in full as far as possible, and they did not even know how they were going to build the canal.

Mr. WADSWORTH. The Forester does not know what he wants from month to month. What he wants will depend upon the demands made upon him.

Mr. MANN. They have not found out at Panama whether they can build the canal or not.

Mr. WADSWORTH. That is another proposition. I do not care to go into that.

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman from Illinois insist upon his point of order?

Mr. MANN. I insist upon the point of order.

Mr. SMITH of California. Will the gentleman reserve his point of order just for a moment?

Mr. MANN. I am willing to reserve the point of order.

Mr. SMITH of California. Mr. Chairman, the objection I have and which the West and probably the entire country would have to this line of legislation is the fact that it is predicated upon an entirely new policy which I think the country will not support, and that is that the Federal Government is going into a profit-making business. From the beginning of this Government it has been the unvarying policy to give to the people the natural resources of the country as nearly absolutely free as

possible. And now it is boldly announced by the Department—and I think it is included in the President's message—that the forests, the grazing lands, the coal mines, and everything that is left in the hands of the Government shall now be converted into a money-making scheme, with the inevitable result, of course, that the burden will fall upon that portion of the country that is to enjoy these public properties, and that is the objection I have. I have no objection to this money being given to the Bureau, and would be glad to see it done, but not with the understanding that it is the beginning of the policy outlined by the Chief Forester, who states in great detail that within so many years he is going to make so much profit out of the lumber business of the country, for, as I say, that is contrary to the doctrine of this nation from its beginning down to the present time.

We appropriate vast sums of money, running into the millions, for the improvement of rivers and harbors, but we never undertake to make any profit out of them or any return to the Treasury. We have given away all of the public lands of the United States. In the time of our great distress, in 1862, it was said, "We absolutely and without price give a farm to any American citizen who wants one, if he will go and select it;" and that policy has prevailed in every Department of the Government from its beginning down to the present time, and I merely want to—

Mr. TAWNEY. Will the gentleman permit an interruption right there?

Mr. SMITH of California. Yes, sir.

Mr. TAWNEY. I want to add just a word right there, that if from 1862 down to 1896 we had pursued the policy of disposing of our public domain that we are now pursuing—namely, for profit—the development of the West would not be as far advanced as it is at the present time.

Mr. SMITH of California. I have no doubt about that. The policy of the Government, I think, is approved by every man who has made any study whatever of our conditions.

Mr. REEDER. I take it this question that is before us now is in the same line of disposing of these public lands. The purpose of this is to retain the waters of the West so that homes may be made on the desert lands. We gave away these lands for homes, and the same theory is being followed in this as was always followed by giving away our public lands.

Mr. SMITH of California. The essence of this provision is the new policy announced by the President and by the Forester, that we are going to conduct the remaining national resources on a profit-paying basis. And I say I do not care to have the advantage gained for the West which is contained in this provision go upon such a theory. That is, I do not want it to raise up in after years to plague us in the West, and say that we allowed this entering wedge of legislation to go by without our objection. Of course we would be glad to have the \$500,000 expended in the West, and if it can be expended wisely, and it will be expended wisely, I want it to be done. But I want it to be an appropriation like every other one which the Government makes out of the Federal Treasury—for the benefit of the nation, and not with any view of building up a profit-paying business.

Mr. LEVER. Mr. Chairman, I desire to offer an amendment. Has the Chair ruled upon the point of order raised upon this proposition?

The CHAIRMAN (Mr. OLMSTED in the chair). The point of order has been reserved pending the discussion. The gentleman's amendment will be in order later. Will the gentleman from Illinois kindly state his point of order for the benefit of the Chair?

Mr. MANN. The point of order, Mr. Chairman, is that it is a change of existing law.

The CHAIRMAN. The Chair means that he indicate the portion of the paragraph to which he makes the point.

Mr. MANN. Page 42, lines 14 to 20, inclusive—the entire paragraph.

Now, I am perfectly willing to have the paragraph remain in, striking out "to be immediately available and until expended," and also "to construct permanent improvements," so as to leave the appropriation "to be used for the proper and economical administration, protection, and development of the national forests."

This will give them the money, but it would not commit Congress to a new policy in reference to this subject.

Mr. WADSWORTH. I think that would be satisfactory. I will accept it in that form.

Mr. TAWNEY. Mr. Chairman, I had reserved the point of order to the entire paragraph. If I withdraw it, it is with the distinct understanding that hereafter if it is proposed to appropriate this money in a lump sum, without the Committee on

Agriculture calling on the Department of Agriculture for some detailed estimate of this expenditure—

Mr. MANN. We have an amendment to that effect.

Mr. FITZGERALD. I have an amendment to that effect.

Mr. TAWNEY. Mr. Chairman, I withdraw the point of order.

Mr. MANN. I desire to have the point of order sustained, inserting the rest of the language and leaving out what we ought to leave out.

Mr. DAVIS of Minnesota rose.

The CHAIRMAN. Does the gentleman from Minnesota [Mr. DAVIS] desire to be heard on the point of order?

Mr. TAWNEY. Mr. Chairman, in view of the agreement between the chairman of the committee in charge of the bill and the gentleman from Illinois [Mr. MANN] I say that I withdraw the point of order as against the entire paragraph.

The CHAIRMAN. The other gentleman from Minnesota [Mr. DAVIS] rose, and the Chair desired to know whether he desired to be heard on the point of order.

Mr. DAVIS of Minnesota. I do not care to be heard upon the point of order, but I would like to ask unanimous consent for three or five minutes to explain the position of the committee, especially in regard to this matter.

Mr. MANN. I will reserve the point of order.

The CHAIRMAN. The gentleman from Illinois reserves the point of order, and the gentleman from Minnesota is recognized for five minutes.

Mr. DAVIS of Minnesota. Mr. Chairman, there has been considerable said concerning Mr. Pinchot, the present Chief Forester, and also the action of the committee in regard to this particular item. I am not prepared to say whether the new departure, as it is called, is wise or unwise. Yet I wish to say this, that Mr. Pinchot gave the committee very complete information concerning our forestry. He informed us as follows: We have nearly \$700,000,000 worth of standing timber on the reservations, which are worth from \$1,300,000,000 to \$1,400,000,000. Now, as to what we are doing in the line of employees, he gave us this statement—

Mr. CAMPBELL of Kansas. Before the gentleman advances to employees, on the question of the timber that is available, have you information of the character of the timber that we have?

Mr. DAVIS of Minnesota. I would say that Mr. Pinchot gave us a complete description of this—I would not say from several of these forest reserves. Bear in mind we have a hundred of these reserves, and comprising 127,000,000 acres of land. This is a vast area, and it would be impossible for Mr. Pinchot or any other man, in the brief time since he has had charge thereof, to give anything like a complete description of the various kinds of timber thereon—

Mr. CAMPBELL of Kansas. Well, the question I have in mind is this—

Mr. DAVIS of Minnesota (continuing). And, furthermore, it has only been in Mr. Pinchot's hands a little over a year, so that to get the details on every point that the gentleman asks would be almost impossible.

Mr. CAMPBELL of Kansas. I have not in mind any detail except far enough to know whether or not he stated that timber is available for milling purposes.

Mr. DAVIS of Minnesota. There are vast quantities of it.

Mr. CAMPBELL of Kansas. Is there white pine in any considerable quantity?

Mr. DAVIS of Minnesota. I think there is in the northwest portion. There is some, but not very much.

Mr. CAMPBELL of Kansas. It has been stated that the white pine of the country was practically exhausted; and that is the reason that I have asked this question.

Mr. DAVIS of Minnesota. Now, as to the comparative size of our forest reserves, I am not prepared to state that, but Mr. Pinchot stated that we at the present time have only about 820 rangers in the summer and 600 in the winter time, while the Prussian government alone at the present time has 117,000 rangers and 15,000 supervisors in charge.

Now, I wish to say a word in regard to this. The gentleman from Minnesota [Mr. TAWNEY] and the gentleman from Illinois [Mr. MANN] seem to think that Mr. Pinchot came before us without having considered the matter at all. In my judgment that idea should not go before the country in that form. He came before us asking us for a loan of \$5,000,000, and during the discussion of that he said that by the end of 1917 he thought he could get the forest reserves upon a paying basis, and begin to pay back at the rate of half a million dollars a year.

Mr. REEDER. I would like to ask the gentleman about the size of the Prussian reserves compared with our forest reserves. Was there any comparison made with respect to that?

Mr. DAVIS of Minnesota. It is impossible to do that, because

we did not have the information. Now, I claim this: That Mr. Pinchot stated that he would not need the \$5,000,000 at this time, but that he desired at this time \$2,000,000. The question was asked him what he was going to do with \$2,000,000 during the coming year. He thereupon presented to the committee a complete, specific detail of how every dollar of that amount was to be expended. For instance, he took up one of these reservations—the Santa Barbara Reservation, in southern California. He says we need telephones, rangers' cabins, fences, etc., and he specified in detail and gave the exact specification of every cabin, every yard of fence, every mile of road, and every telephone that would be built upon every one of these reservations on which he proposed to spend \$2,000,000.

Mr. SMITH of California. And in connection with that idea, he expected to make the industries in the West repay this money. Now, that is the objection we make to the matter.

Mr. DAVIS of Minnesota. I am not arguing the question of policy. He expected to sell some timber, and to raise large sums from pasturage, and from various other sources.

In other words, it would save the money that was now going to waste, and protect those forests from the great fires, and so forth; but I simply rose here to explain that Mr. Pinchot did not come before us for a lump-sum proposition, but explained in detail how every dollar of it was to go to be expended.

Mr. TAWNEY. Will my colleague permit an interruption?

Mr. DAVIS of Minnesota. I certainly will, but not for the purpose of discussing this policy.

Mr. TAWNEY. You state that he said to the committee that they wanted to put up telephones and lodges and to build trails. Now, did he give you an idea of what those telephone lines would cost?

Mr. DAVIS of Minnesota. He did.

Mr. TAWNEY. How much?

Mr. DAVIS of Minnesota. I can not tell you, because I have not had time to read it, but it is stated in the hearings.

Mr. TAWNEY. Did the committee take that into consideration?

Mr. DAVIS of Minnesota. They did. He specified how much each cabin would cost, how much each rod of fence would cost, the character and nature of the fence, whether a two or three wire fence, the character of the country, through some of which he said a man could not travel a mile in four hours unless a trail was built. He exhibited a map of each of the forest reserves, showing exactly where the telephone lines were to be run, where each cabin was to be built, and where each trail was to be made, and where each fence was to be built. He gave specific details, showing that in his judgment \$2,000,000 during the coming year could be profitably expended. I can not say by what process the subcommittee which framed this bill, that was afterwards acquiesced in by the whole committee, cut this appropriation from \$2,000,000 down to \$500,000, but I am bound to presume and do presume that they did not desire to have him enter into this building of roads, cabins, and so forth, to quite as large an extent as he desired. Therefore, by this amount, if appropriated, he will only enter upon the making of improvements upon the reserves where he deems it now to be of the most importance.

The CHAIRMAN. As the Chair understands the parliamentary situation, the gentleman from Minnesota withdraws his point of order against the whole paragraph, and the gentleman from Illinois makes the point of order—

Mr. MANN. I made the point of order against the whole paragraph, Mr. Chairman. And if the point of order is sustained, I shall offer as an amendment that part of the paragraph which we agreed to a while ago.

Mr. TAWNEY. Reinstating the appropriation.

Mr. MANN. Yes.

The CHAIRMAN (Mr. OLMSTED). The Chair thinks the point of order well taken. The provision making the appropriation immediately available makes it in the nature of a deficiency appropriation, which should come from another committee—the Appropriation Committee. The provision that it shall be available until expended violates another provision of law that unexpended items shall be covered into the Treasury within a given period, and the construction of permanent improvements as understood by the Chair is not authorized by law, as required by the rule; therefore the Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I offer as an amendment in lieu of the paragraph stricken out, the following:

And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$500,000, as the Secretary of Agriculture may direct, for the proper and economical administration, protection, and development of the national forests.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after line 13, page 42:

"And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$500,000, as the Secretary of Agriculture may direct, for the proper and economical administration, protection, and development of the national forests."

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

Mr. WADSWORTH. I suggest to the gentleman that he retain the words "to be immediately available." This bill does not go into effect until the 1st day of July, and a good deal of the work will probably need to be started in the early spring.

Mr. MANN. Mr. Chairman, I ask unanimous consent to insert after the word "dollars," as it now reads in line 16, the words "to be expended;" so as to read, "to be expended as the Secretary of Agriculture may direct."

The CHAIRMAN. Without objection, the amendment of the gentleman from Illinois will be amended as he has just indicated. The Chair understands the gentleman from New York [Mr. FITZGERALD] to offer an amendment to the amendment?

Mr. FITZGERALD. Mr. Chairman, I offer an amendment to the amendment, which I send to the desk and ask to have read. The Clerk read as follows:

Insert at the end of line 20 the following:

"Provided, That hereafter a detailed estimate of the services herein appropriated for shall be submitted to Congress with the other estimates for the Department of Agriculture."

The CHAIRMAN. The Chair will ask the gentleman from New York whether he intends that as an independent amendment or as an amendment to the amendment offered by the gentleman from Illinois?

Mr. FITZGERALD. As an amendment to the amendment offered by the gentleman from Illinois.

Mr. WADSWORTH. Mr. Chairman, I have no objection to that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York to the amendment offered by the gentleman from Illinois.

The question was taken; and the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from Illinois as amended by the gentleman from New York.

The question was taken; and the amendment was agreed to.

Mr. LEVER. Mr. Chairman, I offer the following amendment, which I send to the desk, as a new paragraph to the bill.

The Clerk read as follows:

And the Secretary of Agriculture is hereby authorized and directed, in his discretion, to acquire by purchase, condemnation, gift, or otherwise lands in the White Mountain and Southern Appalachian regions, and to care for, protect, and improve the land so acquired as national forest reserves, subject to all laws governing such reserves, and the sum of \$3,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be available immediately and until expended as the Secretary of Agriculture may direct, to pay the purchase price for land acquired under the terms hereof.

Mr. WADSWORTH. Mr. Chairman, I make the point of order that that is new legislation and is not germane.

Mr. LEVER. Mr. Chairman, I ask the gentleman to reserve his point of order.

Mr. WADSWORTH. I reserve a point of order.

Mr. LEVER. Mr. Chairman, the amendment which I propose authorizes the Secretary of Agriculture to acquire, by purchase or otherwise, lands in the White Mountain and Southern Appalachian region, and to establish thereon a national forest reserve, which is to be administered subject to the laws governing such reserves. The sum of \$3,000,000 is appropriated for this purpose. This amendment seeks to accomplish that which it has been found impossible to do in the regular way. I am offering it as a rider to the agricultural appropriation bill because the friends of the proposition have not been able to induce "the powers that be" to permit a consideration of the measure, in the regular way, upon its merits.

The necessity for legislation of this kind arises from the fact that these mountain ranges in which the majority of the rivers of twelve States have their origin are fast becoming absolutely denuded of their timber supply through the aggressive greed of the lumber interests of the country. It is the purpose of this legislation to preserve the forests, in order to conserve the water supply of the States interested in the legislation. We wish to create, as it were, a reservoir which will hold the water as it falls and give it to the streams which feed the rivers, which in turn furnish the power for the innumerable manufacturing enterprises, as nature intended that it should be given. The leaves and foliage from the forest in these mountains, falling to the ground and decaying, in the course of nature, form a sponge

which holds the water and distributes it normally and evenly throughout all seasons of the year.

When the forests become denuded, and they are rapidly becoming so, the inevitable result will be periods of water feasts and famines. The spongy top soil on these ranges will soon be washed off, and when the rains fall the streams will be unduly flooded for a short period, following which will come abnormally low water levels in the streams.

The legislation is therefore necessary to protect and promote navigation in the rivers which have their sources in these mountains, it is necessary in order to protect the water powers along these rivers and the manufacturing establishments dependent upon these water powers, it is necessary in order to protect the agricultural interests along these rivers, it is necessary from every standpoint of wise national policy, and it is of vital interest to twelve great States in this nation, nearly every one of whose rivers have their water supply in these mountains.

We have manufacturing interests amounting to \$150,000,000 which are absolutely dependent for their water power upon rivers fed by the waters of these mountains. That is the testimony which comes to the Committee on Agriculture. In the three States of Georgia, North Carolina, and South Carolina alone the capital invested along rivers having their origin in the Appalachian ranges amounts to \$40,000,000. This capital turns out an annual product of \$70,000,000, and upon that capital invested in this way, dependent upon these water powers in these three States alone, 300,000 of our people are dependent for their livelihood. To protect this capital, to protect these thousands of people, is the purpose of this legislation, and can anyone dispute that it is worthy of the consideration of this body?

It is asserted, and satisfactorily proven, I think, that the losses from floods and freshets in these Southern States alone annually amount to \$18,000,000—six times as much as is sought to be appropriated in this amendment.

That there is a strong sentiment in behalf of this legislation is shown by the fact that twelve great States in this Union, through their legislatures, or through their governors, or through other agencies representing them, have petitioned Congress for the passage of legislation along these lines. The Secretary of Agriculture has repeatedly called attention to it in his annual reports; two Presidents of the United States have indorsed the proposition in their annual messages to this body. President Roosevelt in numerous public utterances has strongly urged legislative action looking to the preservation of the forests in these mountain ranges. The Senate of the United States has passed this proposition in three different bills. The House Committee on Agriculture has reported it several times, and last year reported a bill involving the purpose of this amendment favorably and unanimously to this body.

Mr. Chairman, of course I recognize that this amendment is not in order, and I have offered it only for the purpose of calling the attention of the House and the country to the great importance of the propositions involved in this amendment. It is not necessary, I think, for me to discuss the merits of the proposition, because it would take too long, and my few minutes would not suffice for a proper presentation of the question.

I have risen for the purpose of asking a question of this House. In view of the fact that the Senate has passed this bill three times; in view of the fact that it has been recommended by two Presidents of the United States; in view of the fact that the great Committee on Agriculture, consisting of eighteen men representing various sections of this country and various phases of thought in this country, agree unanimously to this proposition, I want to ask this House why it is that we can not bring this bill before this body for at least a consideration of it upon its merits, as other bills are considered?

The Washington Post, in an editorial on December 31, has this to say:

[Washington Post, December 31, 1906.]

THE IMP OF THE PERVERSE.

There must be something radically wrong when Congress, the President, the people, and the American Forestry Association unite upon the creation of two forest reserves and are still unable to have their will. The Post has received from the secretary of the association a circular setting forth these facts, and imploring the assistance of this paper toward overcoming the obstacle, whatever it is, which stands in the way of enacting the desired legislation. The circular says:

"The bill to establish national forest reserves in the southern Appalachian and White Mountains has reached a crisis. This measure is urged by all friends of the forests; it has unanimously passed the United States Senate; it has been unanimously recommended for passage by the House Committee on Agriculture; the President is strongly for it, and a majority of Members of the House are believed to favor it; yet grave doubt exists as to whether it can come to a vote. If this vital measure is to be saved, there is no time to lose."

This is the second instance which has come to our attention indicating that somewhere, somehow, there is a mysterious influence which defies, thwarts, and laughs to scorn the united will of a great people. The first instance was the case of the ship-subsidy bill. In spite of the

frantic consolidation and cohesion of the populace, the ship-subsidy bill languishes and threatens to expire. What is the hitch? If this malign paralysis can overcome the ship-subsidy and forest-reserve bills, what may happen next? Is there an obscure spirit of inertia somewhere, an imp of the perverse who delights in throttling projects designed for the benefit of the race? If so, let him or it be run to earth. Let the machinery that registers a nation's will be overhauled. There is a screw loose somewhere. It should be discovered before a crisis even more grave than the forest-reserve bill confronts the American people.

The circular of the American Forestry Association is very good so far as it goes. It calls attention to a great crisis and howls for help. But it does not go far enough. It fails to show what obstructs the course of the mighty measure which has been approved by all the people save one. Until we are made acquainted with the nature of the obstacle how can we join in the task of removing it? Let the American Forestry Association think hard and search prayerfully and see if it can not discover where the difficulty lies.

The Post goes on in its mysterious manner to inquire what this mysterious influence is, but does not answer its own question. I submit an editorial from the Baltimore News which answers the question of the Washington Post:

[The Baltimore News, January 5, 1907.]

THE FOREST-RESERVE BILL.

South Carolina newspapers report a movement among leading citizens and business men in that State in favor of the passage of the Appalachian forest-reserve bill. Governor Heyward is personally assisting the movement, and Mayor Rhett, of Charleston, and other prominent men have signed petitions to Congress urging action. Maryland will do well to join actively in this movement and unite with her sister States in bringing every influence to bear in aid of this inestimably important measure. The bill has passed the Senate and has been favorably reported to the House by the Committee on Agriculture. With proper effort now it may be expected that the long agitation in favor of the establishing of this forest reserve will have a successful issue during the present session of Congress.

The pending measure provides for the purchase of an Appalachian forest reserve, including lands within Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Alabama, and Tennessee, and also a national forest reserve in the White Mountains, comprised within the bounds of New Hampshire. The measure has been long under consideration, and has been indorsed by numerous commercial bodies and scientific associations. In 1900 Congress made an appropriation for a preliminary investigation, as a result of which the measure was strongly advocated. Favorable consideration by Congress was recommended by President McKinley in January, 1901, and also by President Roosevelt in December, 1901. In 1904 the Senate passed a bill for the purpose, but the House took no action on it, and the House is still the sticking point. The only way of overcoming the hostility of the private interests opposed to the measure is by the vigorous exertion of public opinion. Everywhere throughout the regions in which the proposed reserves are to be situated destructive lumbering operations are going on, but the case is particularly urgent as regards the White Mountains. There pulp mills are grinding up the forests at such a rate that their destruction is imminent. When the mountain slopes have been denuded and the rivers issuing thence are exposed to devastating floods, opposition to the passage of the bill will probably be withdrawn, but the Government will then be obliged to spend many times the sum that would now suffice for the purpose.

The experience of France shows how great is the cost of delay in such matters. The work of reforesting the denuded mountains in that country was begun in 1860. By 1900 France had spent over \$15,000,000 and had acquired over 400,000 acres of land, while the annual expenditures were still going on at the rate of over \$600,000 a year. It is estimated that the expenditure of over \$20,000,000 more will be required to complete the work as now planned, and at least one-fourth of the area must be unproductive for many years. But if the proposed reserves in this country are acquired now they can be made to pay their way from the start. The outlay proposed by the bill is only \$3,000,000. Merely as a productive investment the money could not be better spent. The total income of the forest reserves of the United States in 1905 was about \$500,000—a remarkable showing in view of the fact that the Forest Service has only recently undertaken to exploit the commercial resources of the timber lands under its control. In Europe forestry has become an important source of public revenue. The Swiss forests yield a net return to the Government of \$8 an acre a year.

But the direct return, however large, is trifling in comparison with the indirect advantages through conservation of rain storage, equalization of river flow, and prevention of flood ravages. Forest destruction means the washing away of the soil, the silting up of rivers, and the frequent recurrence of destructive floods. The headwaters of every important river south of the Ohio and Potomac and east of the Mississippi are in the southern Appalachians, and the White Mountains feed important rivers of every New England State except Rhode Island. It is estimated that already 24 per cent of the southern Appalachian region has been deforested. From April, 1901, to April, 1902, floods in the South, fed from the Appalachian region, did a damage estimated at \$18,000,000. This liability to loss will rapidly increase as deforestation proceeds and as the country builds up.

A glance at a map giving the location of national forest reserves shows that they are now thickly clustered in the far Western States, but there is none farther east than Minnesota. The reservations proposed by the pending bill cover an area of about 812,000 acres in the White Mountains and an area of about 17,500 square miles in the Appalachian region, having an approximate length of 350 miles and a width varying from 35 to 65 miles. In addition to the benefits which protection of these reserves will render to agricultural and manufacturing interests they will provide national parks and health resorts in close access to millions of people. In fact, it is difficult to conceive of any measure of legislation that presents so great and varied public advantages. But, unfortunately, private interest appears to be so much more influential with Congress than public interest that organized effort, energetically maintained, will be necessary to secure action.

It is seen that the Baltimore News, in this editorial of January 5, answers this question, and answers it fully, and puts it up to the great Speaker of the House of Representatives, exercising his authority under the rules of the House, no doubt, as the person who is responsible for the failure of this proposition to receive consideration at the hands of Congress, and I

want to tell you that if there is a mysterious influence in this body thwarting the will of the people, as expressed in the petitions of twelve legislatures, in numerous petitions from civic and commercial organizations, in the hearings before the Committee on Agriculture of the House, in the hearings before the Committee on Agriculture of the Senate, which considered this proposition—I want to say to you that if there is such a mysterious influence, that that mysterious influence resides in that little room out yonder. It is the Speaker of the House of Representatives. We have gone to him, those of us interested in this proposition, governors of great States have gone to him, a committee representing all of the States interested in this proposition have called upon him, and we have—

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. I ask unanimous consent to proceed for five minutes.

Mr. TAWNEY. I object.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to continue his remarks for five minutes. Is there objection?

Mr. TAWNEY. Mr. Chairman, I do not think any Member—

Mr. LEVER. Let him object; I do not care. If the shoe pinches him, let it pinch.

Mr. WADSWORTH. I would say to the gentleman from Wisconsin that the gentleman from South Carolina has certainly used very little of the time of the committee.

Mr. TAWNEY. I do not think any Member is justified in making a personal assault upon the Speaker of this House or questioning his policy.

Mr. HAUGEN. Mr. Chairman, I would like to ask the gentleman a question.

Mr. LEVER. Mr. Chairman, I have but a few minutes. I have not taken much time of the committee, and I do not desire to be interrupted.

The CHAIRMAN. Does the gentleman yield?

Mr. LEVER. In just one minute, and then I will answer the question of the gentleman from Iowa. I want to say this to the gentleman from Minnesota, that I have no desire at all to make any personal assault upon the Speaker of this House. I have great respect for him personally, as a matter of fact, but I want the House to understand and the country to understand that the mysterious influence in this House—

Mr. HAUGEN. Mr. Chairman, I insist that members of this committee shall not be placed in a false attitude in regard to this bill. I understood the gentleman to state that all the members of this committee voted for the passage of this appropriation.

Mr. LEVER. No; I did not make that statement.

Mr. HAUGEN. I am not in favor of appropriating millions of dollars—

Mr. LEVER. You did not hear me.

Mr. HAUGEN. For the benefit of a few speculators.

Mr. LEVER. I made this statement, and I call upon the chairman of the committee to bear me out in it, that this bill was reported to this House by a unanimous vote of the Committee on Agriculture. I call upon him to substantiate that.

Mr. WADSWORTH. There was no vote against it in the committee.

Mr. LEVER. That is all. I want to say to the gentleman from Iowa who has just interrupted me that I have no desire to put him in a false attitude, not at all. I know you are going to vote against it. You vote against four-fifths of the good propositions which come before this House. [Applause.] I desire to say, in answer to the gentleman from Minnesota, the chairman of the great Committee on Appropriations, that he misunderstands my motive; I am not inveighing against the Speaker of the House personally.

Mr. TAWNEY. If the gentleman will permit me, I want to say I was not questioning his motive; I was objecting to his language.

Mr. LEVER. I want to say to the gentleman I was inveighing against the rules of this House, which puts it in the power of one man to thwart the will of this body and to thwart the will of the people of this country. [Applause on the Democratic side.] And I think if the true sentiment of that side of the House were known that there are a great many of you over there who thoroughly agree with the gentleman from South Carolina. [Applause on the Democratic side.]

Now, Mr. Chairman, it is not my intention to stir up a hornet's nest here. I am content with laying the failure of this legislation to get before this House where it belongs. I ask nothing for this Appalachian forest proposition and White Mountain proposition except a consideration of them upon their

merits by this House. I believe that we have at least two-thirds of the Members of the House in favor of the proposition, and it does seem to me that when you can demonstrate a fact of that kind there ought to be some way by which this House might be able to register its will in a manner that is effective. That is all we ask.

Mr. MANN. There is a very simple way, if the gentleman will follow the rules.

Mr. LEVER. A very simple way for the fellows who have got the power, I will say to the gentleman from Illinois, but it is a rough and rocky road for us poor devils on this side of the House. [Applause on the Democratic side.]

Mr. MANN. Perhaps the gentleman had better increase the Members on that side of the House.

Mr. LEVER. I think we shall do that the next time.

Mr. MANN. As long as he remains in the minority he ought not to lecture the House as to how the House proceeds.

Mr. LEVER. I want to say to the gentleman from Illinois [Mr. MANN], who is a good friend of mine and who has done me many personal favors, that the gentleman from South Carolina is not attempting to lecture the House, but the gentleman from South Carolina reserves his right to be heard upon a proposition in this House, and so long as I stay here I shall reserve to myself that right. [Applause on the Democratic side.]

Mr. MANN. Nobody questions the gentleman's right to be heard.

Mr. LEVER. Now, Mr. Chairman, as I was saying when I was interrupted, all the friends of this proposition ask is that it be considered upon its merits in this House. Is that too much to ask? We are not begging for this appropriation, none of us are doing that, but we are begging, some of us—ought I to say that?—begging the majority of this House to so change these rules or to so prevail upon that mysterious power as to let us get this simple proposition before the House, where its merits and demerits may be discussed, where it can be examined in an orderly way, and where it can be decided upon by the Members themselves. That is all there is to it. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WADSWORTH. Mr. Chairman, I insist upon my point of order. The matter is not germane.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LEVER. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. THOMAS of North Carolina. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from North Carolina [Mr. THOMAS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

That the Secretary of Agriculture be, and he is hereby, authorized and directed to cause a survey to be made of the lands suited to national forest-reserve purposes in the Appalachian Mountains within the States of Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Alabama, and Tennessee, and in the White Mountains in the State of New Hampshire, to be known as the Appalachian Forest Reserve and the White Mountain Forest Reserve, respectively, with a view of determining, first, the number of acres of said lands suited to national forest-reserve purposes; second, the number of acres owned by the national and State governments and by private individuals or corporations; third, the number of acres of said lands covered by timber and cleared; fourth, the number of acres of said lands subject to the mineral land laws of the United States.

SEC. 2. That said survey may be made by the Secretary of Agriculture, with the aid and assistance of the Geological Survey and Bureau of Forestry, or in such other manner as he may determine.

SEC. 3. That for the purpose of carrying out the provisions of this act the sum of \$50,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

Mr. WADSWORTH (before the reading of the amendment was concluded). Mr. Chairman, I make the point of order against that. Sufficient has developed to show that it is subject to a point of order.

Mr. THOMAS of North Carolina. Mr. Chairman, I ask the gentleman to reserve his point of order and let me have five minutes.

Mr. WADSWORTH. I will say that we have taken a very long time in the discussion of this bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. THOMAS of North Carolina. Mr. Chairman, I move to strike out the last word. Now, Mr. Chairman, I have no desire to detain the committee beyond the five minutes' time which I will have under the rules, but I feel it is my duty to the State of North Carolina, which I in part represent, to add my support to that of the gentleman from South Carolina [Mr. LEVER] in favor of the Appalachian forest reserve and White Mountain

reserve appropriation. In addition to the various resolutions which have been passed, Mr. Chairman, by the legislatures of the various States, mentioned by the gentleman from South Carolina [Mr. LEVER], and the various petitions which have come up to the House of Representatives and the numerous newspaper articles in favor of this appropriation, Representatives in Congress from the States of Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Alabama, Tennessee, and Kentucky, all of whom are interested in the Southern Appalachian forest reserve, met in the Capitol recently and adopted resolutions indorsing the passage of the bill establishing this and the White Mountain reserve, which has been unanimously reported by the Committee on Agriculture of this House. Those resolutions were presented to the Speaker of the House. There is not the slightest disposition on the part of any Member interested in the Southern Appalachian forest reserve, I am sure, in any way improperly or unjustly to criticize the Speaker. I have no such disposition myself, and I have great respect for the Speaker; but I feel it my duty as a southern Representative in every way in my power to urge the passage of this bill, which has behind it not only the unanimous report of the Committee on Agriculture, but the sentiment of the people of those States vitally interested in these forest reserves.

Now, my amendment proposes, in the event that the House of Representatives does not see fit to pass this bill, which has been unanimously reported from the Committee on Agriculture and passed the Senate, that at least we should have a survey of these forest reserves in order to get the facts with reference to the area and the extent of these proposed forest reserves as a basis for further action. One of the objections which has been urged, Mr. Chairman, to the immediate passage of the bill establishing the Appalachian and White Mountain forest reserves, either as a separate bill or as an amendment to the agricultural appropriation bill, as proposed by the gentleman from South Carolina [Mr. LEVER], is that the area of land is indefinite and as yet unsurveyed. Now, my amendment proposes that the sum of \$50,000, or so much thereof as may be necessary, be appropriated, to be expended by the Secretary of Agriculture, who is to have the assistance of the Geological Survey and the Bureau of Forestry, for the purpose of mapping out these forest reserves and determining the acreage suited to national forest-reserve purposes, just what cleared lands the proposed reserves contain, what timber lands they contain, what mineral lands, if any, are included, how many acres are owned by corporations and individuals, and then report to Congress. If we can not pass the main proposition this Congress, we who are interested in the Southern Appalachian Reserve and White Mountain Reserve—I should say the the Southern Appalachian Forest Reserve, for I offer my amendment without conference with the Representatives from New England—ask that at least a preliminary survey be made.

I urge that the appropriation be made and that the bill reported from the Committee on Agriculture be passed. But if that can not be done in this Congress, then, at least, we should have a preliminary survey of the proposed forest reserves in which twelve States are interested. The legislature of my own State passed resolutions recently favoring the Appalachian Reserve, and our governor, Hon. R. B. Glenn, in person presented the resolutions to the Speaker.

The advantage and necessity, Mr. Chairman, of the creation of these forest reserves, to my mind, is very clear. I do not think any question of State rights is involved at all. I do not think any question of the Government going into the lumber business is involved. First, the creation of these reserves is a wise public policy. With the increase of the population in this country has come the increase in the consumption of timber, and it has become imperatively necessary that deforestation should be stopped, and there should be timber reserves for the use of the people of the country. The committee say it is in the public interest that these reserves should be held as permanent sources of timber supply. Second, I think the acquisition of these lands by the Government is good business policy, because the timber which would be reserved for the use of the people of the country is increasing in value all the time. The western forest reserves, under act of March 3, 1891, are proving profitable to the Government. Third, the creation of these reserves is a necessary policy now or later. The loss of the forest is followed by that of the soil and constantly recurring floods. The headwaters of many important rivers rise in the Appalachian and White Mountain ranges. The rainfall of both the Appalachian and the White Mountain region is heavy, and with the destruction of the forests great torrents of water sweep down from the mountains, which denude the land and convert fertile soil into barren rocks, and therefore it is to the interests of agriculture that deforestation should

cease, and that these destructive torrents should be stopped, which have destroyed in the South \$18,000,000 worth of property.

Mr. FITZGERALD. Why does not the gentleman state why, if reservations for forest-reserve purposes are needed in the State, that they are not reserved by the State?

Mr. THOMAS of North Carolina. It is not right to expect the State within which these areas lie to reserve them for the benefit of other States. It is impossible, I would state to the gentleman from New York, for States which suffer from conditions arising outside of their own territory to remedy them by their own action. There has been set aside in the West for the same purpose vast areas of forest reserves.

Mr. FITZGERALD. Out of the public domain.

Mr. THOMAS of North Carolina. Out of the public domain, to benefit primarily the people of the West. The interests of the West and the East are too broad to be regarded as sectional, and the benefits proposed here will be national in their character and the expense should be borne by the Government. There are some forests which might be maintained as State reserves—the Adirondacks, for example—but this is wholly within New York.

Mr. JOHNSON. Permit me to suggest to the gentleman that in one day there was from three to five million dollars' worth of property destroyed in my Congressional district by reason of a flood. It came from a region in North Carolina. The State of South Carolina had no jurisdiction over that territory, and we can not protect ourselves by State legislation.

Mr. THOMAS of North Carolina. Yes; that is true. I gave the figures a moment ago that the whole damage in one year caused by floods in the South fed from the Southern Appalachian region was \$18,000,000.

Fourth. The creation of these reserves is important for manufactures.

The recent rapid manufacturing development, particularly of cotton manufacturing in North Carolina, South Carolina, and Georgia, has been largely due to available water power.

In these three States alone cotton mills operated by water power are now established which have an annual production valued at \$60,000,000.

If deforestation continues it means a loss of water power and great loss to the manufacturing interests of the South and New England.

Finally, the Southern Appalachians and White Mountains are the recreation grounds for the whole nation. The balsamic air and picturesque and grand scenery of these regions are unsurpassed in the world. They are great natural blessings which should be guarded and handed down to future generations. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. KAHN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment joint resolutions of the following titles:

H. J. Res. 231. Joint resolution authorizing the Secretary of War to sell certain hay, straw, and grain at Fort Assiniboine; and

H. J. Res. 230. Joint resolution continuing the Postal Commission until the close of the present session of Congress.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

BUREAU OF CHEMISTRY.

Salaries, Bureau of Chemistry: One chemist, who shall be chief of Bureau, \$4,500; one chief clerk, \$1,600; one clerk, class 4, \$1,800; two clerks, class 3, \$3,200; four clerks, class 2, \$5,600; one property clerk, \$1,600; seven clerks, class 1, \$8,400; five clerks, at \$1,000 each, \$5,000; one library clerk, \$900; one assistant property custodian, \$900; six clerks, at \$900 each, \$5,400; one engineer, \$1,200; two messengers, at \$840 each, \$1,680; three skilled laborers, at \$720 each, \$2,160; one skilled laborer, \$600; one fireman, \$600; three messengers or laborers, at \$480 each, \$1,440; two messengers or laborers, at \$420 each, \$840; in all, \$47,420.

Mr. MONDELL. I move to strike out the last word.

Mr. MACON. I make the point of order on line 25 and pages 42 and 43. There is an increase of salary there of \$1,000.

Mr. WADSWORTH. I admit the point of order is good. The point of order strikes out the salary of the Chief of the Bureau of Chemistry, and now I move to insert these words:

One chemist, who shall be Chief of Bureau, \$3,500.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Amend by inserting the words: "One chemist, who shall be Chief of Bureau, \$3,500."

Mr. MANN. Mr. Chairman, I very much regret that the gentleman from Arkansas thought it his duty to make the point of order. Of course this salary relates to Doctor Wiley, Chief of the Bureau of Chemistry, who under this bill receives an appropriation practically of half a million of dollars for the enforcement of the pure-food law, having already received an appropriation of \$250,000 in the beginning of the year. He has very onerous duties connected with that office, justifying an increase of his salary of \$1,000 or even more. Of course if the point of order is made, it is undoubtedly good.

Mr. MACON. Mr. Chairman, in response to what the gentleman from Illinois has said out of order, I will say, with the indulgence of the House, out of order, that I apprehend that this gentleman, whose salary is proposed to be increased, should be given the same assistance, by the way, that all these other employees who help him out in his work will be given.

Mr. MANN. That is undoubtedly true; but I think this is very largely his work.

Mr. MACON. Again, sir, I am opposed to this manner of raising salaries.

Mr. MANN. I do not criticize that by any means.

Mr. MACON. I see with every appropriation bill there comes these increases by degrees in the salaries of the various employees of this Government. There is no telling to what extent it will be carried, and I for one will never give my consent to it as long as I am able to rise in my place and object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and the amendment was agreed to.

Mr. MONDELL. I move to strike out the last word. Mr. Chairman, before we entirely leave the subject of forest reserves I desire to submit a very few further remarks. It is a very important subject to the western country. We have now in forest reserves an area of over three times the size of the great State of New York. We have of land reserved, with a view of establishing further reserves, an area nearly as large as the State of Indiana. Several gentlemen have called attention to the large number of people employed in the Prussian forest reserves. They have not been able to give the comparative areas. I would call attention to the fact that our forest reserves and reserved forest land cover an area larger than the entire German Empire.

Now, Mr. Chairman, I am not opposed to the policy of national forest reserves. I believe that, taking into consideration the arid condition of our western country, forest reserves are in the nature of a necessary evil. No one can deny that the forest-reserve policy is a policy of paternalism and centralization, and a policy which should not be extended in this nation further than is absolutely necessary. In carrying out this policy, I care not how intelligent, how careful, or how patriotic the men may be who are charged with these responsible duties, there must be and there will be the hardship and irritation incident to paternalism. We can not get away from certain tendencies under bureaucracy toward vexatious and oppressive practices, but we of the West object to having the reserves used as a means for largely increasing the cost of the products of the reserves to the people of that region. They should not have been and were not established for the purpose of swelling the surplus in the National Treasury. They should be administered for the general good of the country. The people of that region should have the right, under fair and reasonable regulations, and on fair and reasonable terms, to use whatever products the reserves contain.

From the time of the landings at Jamestown and Plymouth Rock down to the present day American citizens have had the right to use the products of the national domain, or did have up to the time of the establishment of these reserves, without let or hindrance. In the development of every new region in the country the pioneer has drawn upon the national forests, upon the grasses of the public lands, without expense, to aid them in the development of their regions, and under this system we have grown and prospered mightily as a people. A few years ago we inaugurated a new policy in regard to the forests of the West, and I have no quarrel with that policy if carried out in the spirit in which I assume it was conceived, for the benefit, not the oppression, of the people, and with due regard to the interests and needs and rights of the people of the region in which the reserves are situated. The products should be sold at a fair price, and further efforts should be made in the administration of the reserves to make the products of those reserves as easily obtainable by the people of the country as possible, instead of making it difficult for them to utilize those products by vexatious rules and regulations. Mr. Chairman, not only do we pay as high as \$5 a thousand stumpage for dead and live hemlock and jack pine in my State, where the most ex-

acting private individual would consider himself fortunate indeed to obtain one or two dollars' stumpage on his timber, but in addition the Forestry Service enforces a policy as to cutting, piling, and burning brush and chips and pine needles that raises the cost of lumber from one to two and a half dollars a thousand. Day after day and month after month these requirements are more stringent, more difficult to comply with, until on one reserve in my State the operator paying \$5 a thousand for the timber must cut every top and lop into sticks not to exceed 4 to 6 feet in length; must pile them at a given angle, at certain fixed intervals, to suit the aesthetic taste of the forest officer.

A logging crew in Maine or Minnesota or Wisconsin go forth armed with saws and axes and cant hooks and such implements of industry. In my country, under the new régime, they go forth armed with garden rakes and pitchforks, for the purpose of cleaning up chips and pine needles and leaving the rugged mountain forest, hundreds of miles from railroads and the nearest habitation, as clean, tidy, and well kept as the lawns of the Capitol. It is all very lovely were it not a ridiculous and sinful waste of energy and money. This, I say, is the inevitable tendency of paternalism, of bureaucracy. Each and every inspector who goes to that particular cutting on his way to the national park to view the geysers finds it necessary to demand of the operator something not required by his predecessor, in order that he may, forsooth, earn his salary and retain his position in the Service. Now, Mr. Chairman, I do not intend a general and wholesale criticism of the Forest Service. I have the highest regard and respect for the gentleman at the head of that Service and believe the force generally is faithful and efficient. I believe that in the main they are administering these reserves in a fair and reasonable way, but what I have said illustrates the tendency of this sort of thing, the inevitable effect of bureaucratic government, and it will require all the good judgment of the gentlemen responsible for the Forest Service to correct the faults and abuses which have already resulted from the efforts of ambitious men to advance themselves in the Service and make a reputation by using their authority to oppress by ridiculous and unfair regulation and by wringing from the necessities of the people the last penny possible and to prevent the development of this tendency in the future. And still we see on the other side of the Chamber gallant gentlemen, claiming to uphold the principles of Jeffersonian Democracy, jealous of the rights of their States and localities, demanding that the National Government shall go further in this career of centralization, of paternalism, and socialism, and bureaucracy, and buy from speculative owners in their mountains some worthless lands in order to establish Federal control, where the authority of the State, according to their doctrine, should be supreme. [Applause.]

Mr. REEDER. Mr. Chairman, I move to strike out the last two words. I desire to say a word in regard to the forest-reserve matter. There are two classes of people who are not properly informed as to the objects and results of these forest reserves. Eastern Members do not realize the devastation being wrought in western forests. Western Members do not seem to realize the purpose of these reserves. These forest reserves are not intended to make users pay higher prices for the products of forests. They are intended to preserve the products of the forests, and thus lower prices of their products to users. This is the purpose and will be the effect. In southern Arizona within a few years ranges for cattle were nearly useless by reason of overpasture of the range—there was absolutely no grass. Men had to go out of the cattle business because there was no pasture. If those ranges could have been preserved and a reasonable amount of pasturing done, those people would have a great deal more pasture than they have under the present system or under the system that I hope has just passed out of existence. Here we have forest reserves. If we permit this destruction of the forests to continue, which has been going on since we passed the national irrigation law, June 2, 1902, the time will come when a man will pay \$20 for stumpage for any timber he may wish to use, instead of \$5. If we proceed with the policy now being adopted as to our forests, that the gentleman from Wyoming complains of, it will cost something to start with, but the time is not far distant when these same people will be getting all of their timber material a good deal cheaper than they would under the process of permitting everybody to go in and destroy what they choose, and permit all the brush and the choppings and everything to remain so that fires might spread through and destroy the forests.

Hence I say there is a misapprehension upon the part of these people as to what the purpose of forest preservation is and what the result will be. The purpose is that we may conserve our national wealth. We have been ruthlessly destroying it for

the past six or seven years, so much so that a man with reasonable foresight will see the time will soon come when we will have no marketable timber left. Thus it is clear that this policy is for the best interests of the West. At Boise, Idaho, last fall, at the National Irrigation Congress, I stated that the purpose of the forest reserves is to conserve all of the products of value in the forests of the West; that the man who wishes the timber can cut it to the very best advantage for himself, having in view the future, and the man who wishes to pasture the forest reserves will be compelled to pasture it in such a way as not to waste or destroy, so he who desires to get any of the benefits from our public wealth, as represented in these forests in the way of water, in the way of timber, and in the way of pasture can get all that can be had without destroying that which might be more useful in future. Hence I insist that the people from further east ought to look at this matter in this light, and that what is being done in this line is not only to the advantage of those people who are living there, but of vast advantage to the citizens who are to come after us. These western settlers are entitled to all those products, but they are not entitled to destroy them this year so that the man who comes later can have nothing from them.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Laboratory, Department of Agriculture: General expenses, Bureau of Chemistry: Chemical apparatus, chemicals, laboratory fixtures and supplies, repairs to engine and apparatus, gas and electric current, purchase of all necessary office fixtures, supplies, and necessary expenses in conducting investigations in this Bureau, including actual and necessary traveling and other expenses, telegraph and telephone services, for express and freight charges, labor and expert work in such investigations, in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; to continue the collaboration with other bureaus and divisions of the Department desiring chemical investigations and to collaborate with other Departments of the Government whose heads request the Secretary of Agriculture for such assistance, and for other miscellaneous work; for the employment of additional assistants and chemists, when necessary, and for the rent of buildings occupied by the Bureau of Chemistry; to investigate the composition, adulteration, and false labeling or false branding of foods, drugs, beverages, condiments, and ingredients of such articles, when deemed by the Secretary of Agriculture advisable, and also the effect of cold storage upon the healthfulness of foods; to enable the Secretary of Agriculture to investigate the character of food preservatives, coloring matters, and other substances added to foods, to determine their relation to digestion and to health, and to establish the principles which should guide their use, and to publish the results of such investigations when thought advisable: *Provided*, That before any adverse publication is made, notice shall be given to the owner or manufacturer of the articles in question, who shall have the right to be heard and to introduce testimony before the Secretary of Agriculture, or his representative, either in person or by agent, concerning the suitability of such articles for food, or as to false labeling or branding; to enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and for all necessary expenses connected with such inspection and studies of methods of analysis in foreign countries; to enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to ascertain the purity of food products and determine what are regarded as adulterations therein, and to establish standards therefor. To investigate, in collaboration with the Bureau of Animal Industry, the chemistry of dairy products and of adulterants used therein, and of the adulterated products; to determine the composition of process, renovated, or adulterated and other treated butters, and other chemical studies relating to dairy products, and to make all analyses of samples required for the execution of the law regulating the manufacture of process, renovated, or adulterated butters. To study, in collaboration with the Weather Bureau, the Bureau of Plant Industry, and agricultural experiment stations, the influence of environment upon the chemical composition of wheat and other cereals, with especial reference to the variation in the content of gluten, and the suitability of barley for brewing and other purposes. To investigate the chemical composition of sugar and starch producing plants in the United States and its possessions, and, in collaboration with the Weather Bureau, the Bureau of Plant Industry, and agricultural experiment stations, to study the effects of environment upon the chemical composition of sugar and starch producing plants. For all expenses necessary to carry into effect the provisions of the act of Congress of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for other purposes," including rent and the employment of labor in the city of Washington and elsewhere. Employing such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purposes named. And the employees of the Bureau of Chemistry outside the city of Washington may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leaves of absence not to exceed fifteen days in any one year, which leave may, in exceptional and meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year, \$850,000.

Mr. BARTLETT. Mr. Chairman, I raise the point of order against the words on page 45, line 18, "and to establish standards therefor." I raise the point of order that there is no law to authorize the Secretary of Agriculture to establish a standard.

Mr. CRUMPACKER. Mr. Chairman, I desire also to make some points of order.

The CHAIRMAN. The gentleman from Georgia will have an opportunity to discuss his points of order later. The Chair will entertain his point of order.

Mr. BARTLETT. Does the Chair not desire to hear from me on the point of order that I raised?

The CHAIRMAN. Not at present.

Mr. CRUMPACKER. Mr. Chairman, I desire to make a point of order against that portion of the paragraph beginning with the word "proof," in line 18, page 44, and including all the balance of that page and down to and including the word "branding," in line 4, page 45; also, another point of order to that part of the paragraph beginning after the word "countries," in line 14, page 45, down to and including the word "therefore," in line 19, page 45. The last clause also embraces the language objected to or against which a point of order was made by the gentleman from Georgia [Mr. BARTLETT]. Mr. Chairman, I think there is no doubt that both of these provisions are subject to a point of order.

The CHAIRMAN. Does the chairman of the committee desire to be heard?

Mr. WADSWORTH. Mr. Chairman, I am very fast reaching that point where all points of order look alike to me. [Laughter.] Both of these points of order made by the gentleman from Indiana are to language referring to matter that was in the bill last year. That is all I can say about it. If that does not make it law, then they are subject to a point of order.

Mr. MANN. Mr. Chairman, I suggest that the pure-food law covers all of this question.

Mr. CRUMPACKER. Except, Mr. Chairman, that it does not. I have the pure-food law before me, and I am basing my points of order largely upon that law.

Mr. MANN. Perhaps the gentleman has not examined the pure-food law very carefully.

Mr. CRUMPACKER. Mr. Chairman, the first provision to which the point of order is made provides an appropriation to enable, among other things, the Secretary of Agriculture to investigate the character of preservatives, coloring matter, and other substances added to food, to determine their relation to digestion and to health and establish the principles which should guide their use, and to publish the results of such investigation when thought advisable, provided that before any adverse publication is made notice shall be given to the owner or manufacturer of the articles in question, who shall have the right to be heard and to introduce testimony before the Secretary of Agriculture or his representative, either in person or by agent, concerning the suitability of such articles for food, as to false labeling of branding, and to publish the result of such investigation.

Mr. Chairman, that is clearly new legislation. It is true that provision was incorporated in the agricultural appropriation bill that was enacted at the last session of this Congress.

Mr. WADSWORTH. And the year before that, too.

Mr. CRUMPACKER. And probably the year before that, too, but it is coupled with an appropriation. The appropriation is to enable the Secretary of Agriculture to do certain enumerated things, so there is no room for doubt that it was for the fiscal year only for which the appropriation was made. There is no general legislation authorizing this kind of an investigation, nor the publications provided in this bill, nor the uses for which the investigations shall be made. The pure-food law, on the other hand, defines expressly what foods and drugs shall be considered adulterated, defines expressly what articles shall be considered misbranded, and the fourth section of that law provides for investigations not exactly of this character, but provides for investigations and publication of results. This is the section:

That the examination of specimens of foods and drugs shall be made in the Bureau of Chemistry of the Department of Agriculture under the direction and supervision of such Bureau, for the purpose of determining from such examination whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from such examination that any such specimen is adulterated or misbranded within the meaning of this act the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it shall appear that any of the provisions of this act shall have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the result of the analysis or examination of such article, duly authenticated by the analyst making such examination under oath of such officer. After judgment of the court notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

That is a radically different provisions from the provision under consideration. It authorizes an investigation for the purpose of determining whether the product is adulterated or mis-

branded within the meaning of the pure-food law, and if the Secretary of Agriculture should conclude that to be the case, notice shall be given to the party from whom the sample was obtained, and he shall be entitled to a hearing, and then the Secretary of Agriculture must certify the result of his investigation to the Department of Justice, and notice of the result shall not be published until after judgment of the court. The provision in this bill authorizes the chief chemist to make the investigation, not for the purpose of determining whether the article is adulterated or misbranded within the meaning of the pure-food law, but for the purpose of determining whether it is adulterated for one purpose and another, whether the product is suitable for food or medicine. The notice provided in the paragraph under consideration may be given after an investigation before the Secretary of Agriculture or some agent of his, and it is a dangerous power to put in the hands of a Department officer, I insist, Mr. Chairman. It is a provision that the Congress declined to incorporate in the pure-food law when the question of pure foods and their investigation was up and thoroughly and exhaustively considered. Provisions of that character were proposed and rejected. I have no doubt that it is subject to the point of order.

Mr. McCALL. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman yield?

Mr. CRUMPACKER. I yield to the gentleman from Massachusetts.

Mr. McCALL. As I understand, the effect of this provision is to lodge the review in the Secretary of Agriculture, who made the original examination?

Mr. CRUMPACKER. Yes.

Mr. McCALL. And that the pure-food law contemplated a judicial review in court?

Mr. CRUMPACKER. The pure-food law provides expressly for a review in court before any publication shall be made.

Mr. McCALL. And the object, then, of this act is to allow the Secretary of Agriculture, or possibly his agent, Doctor Wiley, to sit in a review upon his own decision and oust the court of the jurisdiction conferred upon it by the pure-food law.

Mr. CRUMPACKER. That is doubtless the purpose of it, and it in effect repeals, during the next fiscal year, the pure-food law to that extent. Now, Mr. Chairman, in relation to the next question of order respecting the paragraph:

To enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to ascertain the purity of food products and determine what are regarded as adulterations therein, and to establish standards therefor.

That provision is not contained in any law. It was substantially incorporated in the pure-food law as it passed the House, as I remember, during the last session of Congress. It went to the Senate, and then in conference, after full and careful investigation, the whole provision was eliminated from that bill. There is no authority that authorizes the Secretary of Agriculture in collaboration with the Association of Official Agricultural Chemists or other experts to ascertain the purity of food products and determine what are regarded as adulterations therein, and to establish standards therefor. That provision, as far as I know, is not contained in any general statute, and it was not even in the agricultural appropriation bill of last year.

Mr. WADSWORTH. Yes, it was.

Mr. CRUMPACKER. I will qualify my statement by saying it was not in the agricultural appropriation bill last year as it is incorporated in this appropriation bill.

Mr. WADSWORTH. All except the last few words "and to establish standards therefor."

Mr. CRUMPACKER. The clause "and to establish standards therefor" was not even in the agricultural appropriation bill of last year, and the whole clause—the whole appropriation—is so interconnected that if any part is subject to the point of order it must all go out. I think there can be no question that both of these provisions are subject to the point of order, and the one I am discussing now embraces the language to which the gentleman from Georgia made his point of order a moment ago.

The CHAIRMAN. The Chair will hear the gentleman from Georgia.

Mr. BARTLETT. Mr. Chairman, I agree with the gentleman from Indiana, and think that the portions of the bill to which he has called attention are subject to the point of order. I did not make it myself, because I was content to allow these provisions to go, except the one to which I have called the attention of the Chair and as to which I raise the point of order, and that is that portion which permits the Secretary of Agriculture "to establish standards of food." I do not think that anyone, the chairman of the committee or any member of the

committee having in charge this bill, will dispute the fact that this provision is clearly subject to the point of order. You will recall that during the consideration prior to its passage of what is alleged to be the "pure-food bill" at the last session the effort was made to enact into law a provision giving the right to the Secretary of Agriculture, in connection with certain other gentlemen known as "the Association of Official Agricultural Chemists," to establish standards of food, and as the bill passed the House it contained such a provision, but the Senate struck it out, and the bill as agreed to in conference did not contain such a provision. I do not desire to discuss the point of order simply for the purpose of being heard. I am satisfied that if the Chair will recall the fact with reference to the law on the subject of authorizing the Secretary of Agriculture to establish standards that he will have no hesitancy in sustaining the point of order. I am satisfied that the gentleman from New York who is in charge of this bill will readily agree that this part of it is subject to the point of order, so clearly so that the Chair ought not to have any doubt about it.

I started to repeat the history of the legislation in reference to the pure-food bill, when I was interrupted, and to state that the bill passed by the House as a substitute for the Senate bill did have a provision in which it permitted and required the Secretary of Agriculture, in connection with the Association of Official Chemists, to establish food standards; but when that bill went back to the Senate the Senate refused to agree to that part as an amendment to its bill, and the bill went to conference on a disagreement between the two Houses, and the conferees, in the report they made, struck out all the provision in the bill as it passed the House permitting or requiring or authorizing the Secretary of Agriculture to establish standards for food products. So that we have no law upon the statute books authorizing this appropriation, and no one, I apprehend, is more familiar with that than the gentleman from Illinois [Mr. MANN]. We have no law, as I understand it, authorizing the Secretary of Agriculture to establish standards, and therefore an appropriation therefor is not authorized; nor can we enact such new legislation on this appropriation bill under the rules of the House. In my judgment this provision is clearly subject to the point of order I have made.

Mr. MANN. As to the point of order on the first paragraph, made by the gentleman from Indiana [Mr. CRUMPACKER], it seems to me that he is in error. The provision in the bill is to enable the Secretary of Agriculture "to investigate the character of food preservatives, coloring matter, and other substances added to food, to determine their relation to digestion and to health." Now, the pure-food law provides that a food is adulterated if it contains any added poisonous or other added deleterious ingredient which renders such article injurious to health, and puts upon the Secretary of Agriculture the duty of determining in the first instance whether that provision of the law is violated.

The CHAIRMAN. Will the gentleman point out to the Chair where that is to be found?

Mr. MANN. I read it from the bill in the first instance. I read it from the pure-food law, section 7, fifth under the head of "Adulteration of foods." That clearly contemplates that the Secretary of Agriculture shall determine whether a preservative, coloring matter, or other substances added to food is poisonous or deleterious to health, and, if he shall determine that, it is certainly in order for Congress to provide the means by which he shall determine it. I do not regard that the matter is of very great importance, because I understand this bill carries an appropriation for the enforcement of the pure-food law. Will the gentleman from New York [Mr. WADSWORTH], the chairman of the committee, inform us whether this item carries an appropriation of \$500,000 for that purpose?

Mr. TAWNEY. Five hundred and four thousand dollars.

Mr. MANN. Does this item include the sum of \$500,000 for the enforcement of the pure-food law?

Mr. WADSWORTH. It does.

Mr. MANN. The sum that is appropriated here?

Mr. WADSWORTH. Yes.

Mr. MANN. While, Mr. Chairman, it is clear to me that the first item objected to by the gentleman from Indiana is clearly covered by the pure-food law, the second item probably is not.

The CHAIRMAN. The Chair would like to ask the opinion of the gentleman from Illinois [Mr. MANN] as to these words, beginning in line 21, page 44, "to establish the principles which should guide their use, and to publish the result of such investigations when thought advisable," down to the proviso?

Mr. MANN. "To establish the principles which guide their use" is a question which depends on the matter being deleterious to health. It may be that the matter is deleterious to health

if used in large quantities. It may be that an added substance would not be deleterious to health if used in small quantities, and the Secretary of Agriculture is called upon to determine that under the pure-food law. As to that part of it which reads, "to publish the results of such investigations when thought advisable," I understand that the Secretary of Agriculture has the authority now, under the printing act, to publish the results of investigations made by his Department, in limited numbers. This merely provides a sum of money with which to do it. The authority to print is already conferred on the Department of Agriculture.

The CHAIRMAN. Then as to the proviso. Will the gentleman give the Chair his opinion as to that? Is there anything new there?

Mr. MANN. That is covered practically by the pure-food law in almost the same language. As to the second provision, where they propose to establish standards, I think there is no doubt that is subject to the point of order.

Mr. CRUMPACKER. Mr. Chairman, in relation to the first provision, it clearly contains new legislation. It authorizes things which the law does not now authorize. "To establish the principles which should guide their use" means to guide what use? The use of food. Then "and to publish the results of such investigations when thought advisable" provides a totally different scheme of publication from that contained in the pure-food bill. That bill provides that publications shall not be made until after the judgment of the court, and I think it is so clear that no more time need be occupied in its discussion.

Mr. MANN. I beg the gentleman's pardon. There is nothing in the pure-food bill prohibiting the publication prior to the judgment of the court. The pure-food bill provides that the judgment of the court shall be published.

Mr. CRUMPACKER. It provides that the conclusion of the Bureau of Chemistry shall be published after judgment of the court. Not the judgment of the court is to be published, but the conclusion of the Bureau of Chemistry; and this provision authorizes the publication of the conclusion of the Bureau of Chemistry after the Department of Agriculture has decided the question on a kind of ex parte hearing, the kind of hearing that is had by Department officers.

It is so clear I do not feel justified in arguing the matter further.

The CHAIRMAN. The Chair is unable to find anything in the pure-food law that goes to the extent of the ground covered by this proviso. The proviso is very broad:

That before any adverse publication is made notice shall be given to the owner or manufacturer of the article in question, who shall have the right to be heard and to introduce testimony before the Secretary of Agriculture or his representative, either in person or by agent, concerning the suitability of such articles for food, or as to false labeling or branding.

It will be necessary that these words should appear verbatim in order that the point of order would not lie that it was new legislation. The only language that the Chair can find in the pure-food law is—

If it shall appear from any such examination that any such specimen is adulterated or misbranded within the meaning of this act, the Secretary of Agriculture shall cause notice to be given to the party from whom said sample was obtained, and that the party so notified shall be given an opportunity to be heard under such rules and regulations as may be prescribed, etc., and if it appear that the provisions of this act have been violated by such party, then the Secretary of Agriculture shall at once certify the fact to the proper United States district attorney, etc.

That is a very different provision from this.

Mr. MANN. That is the provision which I had reference to; and if the Chair does not think that covers it, that settles the matter.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CRUMPACKER. As to the other point of order?

The CHAIRMAN. The point of order was made on the whole paragraph.

Mr. CRUMPACKER. Then, in relation to the other point of order, I think it is conceded—that is, beginning on line 14, page 45.

The CHAIRMAN. It seems there can be no question about that being subject to the point of order; and the Chair sustains the point of order.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, at the end of line 5, page 47.

The Clerk read as follows:

After line 5, page 47, insert:

"Provided, That no part of this sum shall be used for the payment of compensation or expenses of any officer or other person employed by any State, county, or municipal government."

Mr. TAWNEY. Now, Mr. Chairman, the purpose of this amendment is to keep separate and distinct the administration of our national pure-food law and the administration and en-

forcement of our State pure-food laws. Under the national pure-food law the Secretary of Agriculture has unlimited power. He has unlimited discretion in the matter of its enforcement, subject only to the power of Congress through its appropriations to control the general policy he shall pursue in the execution of this law. When before the Committee on Appropriations in support of an estimate of \$250,000 to begin the work of organizing for the enforcement of this law, the Secretary of Agriculture informed the committee that it was his purpose to employ State inspectors; to employ officers of the State for the enforcement of the Federal pure-food law. It is for Congress, therefore, to say whether it shall be the policy of the Federal Government to enter into copartnership with the States in the enforcement of this law or pursue an independent policy. How careful have the States been to keep out of the administration of their domestic affairs the influence of the Federal Government!

Almost every State constitution contains a provision making ineligible any citizen of the State from holding any elective or appointive office in the State who fills or occupies a Federal office. It has always been the policy of the people of the States to keep separate and distinct from Federal administration the conduct of their domestic affairs; and for the same reason the Federal Government should keep separate and distinct the administration of its affairs and the enforcement of its laws from the influence of the State. Without this it will be only a very short time before the Federal Government will be enforcing every State pure-food law in the Union, and we will never know what it is costing the General Government to enforce the national pure-food law. But, Mr. Chairman, there is another reason for opposing the employment of the States' agents in the enforcement of this law. I believe it is absolutely essential for the efficient enforcement of our national pure-food legislation. We can not depend upon State inspectors for the enforcement of this law. Their acquaintance with and the influence of local friends will in many cases result in their overlooking infractions of this law which would otherwise be reported and result in prosecutions and convictions.

I do not believe, Mr. Chairman, that it is good policy or good administration for us to mingle the enforcement of our national pure-food law with our State pure-food legislation.

When before the Committee on Appropriations Doctor Bigelow and the Secretary were interrogated as to their plan for executing this law. Realizing that we are just about to embark upon an entirely new Federal service, the Committee on Appropriations desired some information as to the plan the Department proposed to follow in the execution of this law, because we knew that under the law the Secretary of Agriculture has absolute and limitless discretion in the policy he may pursue in the enforcement of the law. Doctor Bigelow said:

It is intended to collaborate with the authorities of the States, to work with them, and to take the cases that come from outside States.

Now, collaboration and a copartnership between the State and Federal Government in the matter of enforcing State and Federal legislation, is an entirely different proposition. It is a copartnership that the Secretary of Agriculture proposes with the States to enforce this national pure-food legislation, not collaboration, as he says. I read further from the statement of Doctor Bigelow:

Mr. TAWNEY. To deal with the cases that arise from the sale of food products in violation of this law which have been manufactured in other States and shipped into the State?

Doctor BIGELOW. Yes, sir.

Mr. TAWNEY. How do you propose under your policy to cooperate with the States? Have you worked out any line of demarcation between the expenses for this cooperation—what expenses shall be borne by the Federal Government and what expenses shall be borne by the States?

Doctor BIGELOW. Just how that shall be worked out has not been planned, but some employees—

Some employees, mark you—

will probably be paid in common, and paid a per diem when on the work of the Department of Agriculture, or possibly some employees working as inspectors within the same State will be on our roll and some chemists will be on our roll. At any rate, it is not proposed that any of the employees of this Department shall be paid for time when working on matters of the State.

Mr. TAWNEY. Have you thought of this: Would it be feasible to require the States or their agents to furnish the Federal authorities information regarding any violations of the Federal law that might come to their attention in the enforcement of the State law?

Doctor BIGELOW. That is what they are anxious to do. They are all anxious to do that. They are anxious to omit the prosecution of a citizen of the State who might be protected by a guaranty from the manufacturer, provided the Federal Government would take up the same case and follow it to the manufacturer.

Now, Mr. Chairman, I submit to the committee that inasmuch as we are just beginning to appropriate money for the enforcement of this new pure-food law, creating a new service, that Congress should exercise its right and its power in re-

spect to the policy, or rather in respect to keeping separate and distinct from State administration the administration of our Federal pure-food law. I hope that this amendment will be adopted.

Mr. WADSWORTH. Mr. Chairman, I hope the amendment will not be adopted, because I think it will increase the expense of enforcing the pure-food law very materially. In the hearings we had touching this subject we had Doctor Wiley before us, and I will just quote from the hearing to show how he proposes to work in collaboration with the State chemists:

Doctor WILEY. Now, we want a large part of this money for the States. We think we would like to spend an average of \$10,000 in each State of this sum. The Secretary and I talked it over, and we think that would be a pretty fair start. Some of the States will not require that much, but some will, and quite a number of them will want more, and we think an average of \$10,000 will be right, making \$460,000, the sum that we ask for.

The CHAIRMAN. Take a State as an example, and tell us how you propose to organize it; take any State that you have in your own mind.

Doctor WILEY. Let me take the State of Indiana, which is the one that I am best acquainted with, being a native of that State.

The CHAIRMAN. Very well.

Doctor WILEY. Our idea would be to have Mr. Barnard, the chief chemist in Indiana, take this examination.

He refers to the civil-service examination.

He is perfectly competent to do this, and we would like to have anybody else who is an executive officer who would like to have it take the examination.

The CHAIRMAN. Who is Mr. Barnard?

Doctor WILEY. He is the State chemist of Indiana and does the work in the execution of the State law. Let him qualify, and then we will pay him \$8 or \$10 a day for the time that he works for us; we will arrange with the State authorities to let him do so. We say to Mr. Barnard, "Here is a case that we want you to examine. You make this examination for us." He will work three or four days for us, and then he will send in a monthly bill stating the time that he has worked. In that way I expect to get in touch with every State.

The CHAIRMAN. You think it would be preferable to pay him by the day for the work done, or a stated salary by the year?

Doctor WILEY. No; by the day. We could not pay a stated salary for the year unless we took his whole time.

The CHAIRMAN. How much would you pay him?

Doctor WILEY. I would pay a man like Barnard \$10 a day.

The CHAIRMAN. For the entire day?

Doctor WILEY. The entire day. He would make a statement of the number of days that he worked. He is a man of high character. Some others I would pay \$5 or \$6. If I could get a man like Winton, of Connecticut, I would be willing to pay him \$20 a day, and he would earn every cent of it.

Now, take that case. Assume that the violation of the law is in Indiana. If he did not employ Mr. Barnard, he would have to send a man from here at the cost of the Government, pay him full time, and probably cover a lot of ground that had already been covered by the State chemist. I oppose the amendment simply on the ground that I think it would almost double the expense of enforcing the pure-food law.

Mr. TAWNEY. I will ask the gentleman whether he thinks the expense of administering this national pure-food law by Federal officials would exceed the expense of administering, at the expense of the Federal Government, the Federal national pure-food law and the State pure-food laws combined?

Mr. WADSWORTH. No; I do not.

Mr. TAWNEY. Then the expense is in favor of my amendment.

Mr. WADSWORTH. But I say under the limitations put upon the provision by the gentleman from Minnesota [Mr. TAWNEY] I think he will double the national expense, because necessarily a lot of this work, as I said before, has already been gone over by the State chemists in the enforcement of the pure-food laws of the several States. Why go over again with a national chemist?

Mr. CRUMPACKER. I want to ask the gentleman a question as a lawyer.

Mr. WADSWORTH. But I am a farmer.

Mr. CRUMPACKER. It does not make any difference; the gentleman knows the law. Here is a suggestion: The thought came to me that the proposition to have certain administrative officers engaged in the enforcement of the pure-food law, to be under the employment and the authority of the officials of the National Government and of the State government both might lead to serious complications. Now, who is the master? Who will prosecute for violations of duty or of the law? Would it be the Federal Government or the State government?

Mr. WADSWORTH. Does the gentleman mean for any violation of law by the chemist?

Mr. CRUMPACKER. Yes; in the enforcement of the pure-food law, the gentleman says, they shall cooperate with State officers. Now, we have a naturalization law in which we require certain State officers to perform certain official functions, and it is a serious problem among lawyers as to whether the Federal Government would be authorized to prosecute a State

officer, and thereby embarrass to that extent State administration, while he is discharging the Federal functions, for a failure to perform that duty as the law required. It seems to me that the objection from a legal standpoint and from the standpoint of the science of government made by the gentleman from Minnesota [Mr. TAWNEY] is tenable. We are to have public officers discharging very important duties under two distinct and independent governments. To which are they responsible? To which shall they answer criminally? Which shall have the paramount control?

Mr. WADSWORTH. You will notice that it is proposed to ask them, and they can not act without they do it, to take the civil-service examinations, and then they are in the service of the National Government.

Mr. CRUMPACKER. Then if they should violate the law of the State the State could not reach them by its criminal laws, and the State would have secondary control.

Mr. WADSWORTH. No; because they are joint servants. They are servants of the State and of the National Government as well.

Mr. CRUMPACKER. There is the complication that I can see might possibly arise. It is an objection that would occur to a lawyer, perhaps, and not to a practical business man.

Mr. HULL. If a man were acting under the control of the Secretary of Agriculture and is criminally negligent, would there be any question as to who would have control in that case?

Mr. CRUMPACKER. No.

Mr. HULL. Then if he has finished with that act and is acting under the State on another line, what would be the difficulty?

Mr. CRUMPACKER. If you could separate the functions, certainly it would be all right.

Mr. MANN. Mr. Chairman, I should dislike very much to see the whole theory of the pure-food law reversed because of an amendment adopted here under the five-minute rule without more mature consideration. From the beginning, from the first bringing in of the pure-food bill, in the report which was made upon that bill, in the statements which were made when the bill was before the House, it has been announced openly and publicly all of the time that it was the expectation that the national pure-food law would be carried into execution in connection with the State officials. Here is the situation. An official finds an adulterated article in a drug store or a grocery store. It may be something made within the State. The grocer or the druggist holds a guaranty from the manufacturer. If it is within the State wholly, the State officials must enforce it, but the article may be something made in another State. The druggist or the grocer holds a guaranty from a manufacturer in another State. In that case the prosecution will be, must be, not by the State authorities, but by the national authorities against the manufacturer in the other State. Why should we have two sets of officials to examine the articles in the same grocery store, in the same drug store, in order to determine whether they shall be prosecuted by the State or the national authorities?

Mr. TAWNEY. I would answer the gentleman by way of—

Mr. MANN. But I did not ask the gentleman to answer me.

Mr. TAWNEY. But the gentleman has asked a question—because we have two laws, two distinct jurisdictions, one Federal and the other State, and each jurisdiction should enforce the observance of its own law.

Mr. MANN. And each jurisdiction proposes to enforce the observance of its own law; but the gentleman, who ought to stand for economy, who complained to me a short time ago because the pure-food law perhaps will cost more than he thought it would, will find that if his amendment is adopted it will cost ten times what it is proposed to cost, and what it will cost otherwise if the State officials are obtained to help in its enforcement.

Mr. TAWNEY. On what basis does the gentleman judge to-day that the citizens of the United States all over this country are going to violate this law? Do you have inspectors for the enforcement of other laws which are passed by Congress?

Mr. MANN. We have a great many inspectors for the enforcement of law. We have plenty of inspectors in the internal revenue to-day costing a good deal more than the sum appropriated here. For what? To have the law observed. And there will be more chance of violating the pure-food law in one day than there is to violate the internal-revenue law in a month's time. The pure-food law extends throughout the entire United States. There must be some kind of an inspection everywhere, and the proper persons to inspect are the local and State officials. Every State has a pure-food or health office, and why should the General Government send men there in addition to the local health and pure-food inspector? Why not permit him

to report the results of his inspection to the national department and let the national office examine these alleged violations of the law?

Mr. OLMSTED. I do not wish to interrupt the gentleman's argument, and I have not heard the amendment, but I simply wanted to offer one suggestion in the line of the gentleman's remarks, and that is that the constitution of Pennsylvania would make it impossible for anyone in the employ of the State and receiving a salary or fees to act on behalf of the Federal Government. Our constitution makes a person holding an office under one government ineligible to place under the order.

Mr. TAWNEY. Every State constitution contains the same provision.

Mr. MANN. Fortunately the State of Pennsylvania has a very good food law and it is well enforced. Now, of course, if this can not be done by the State officials it will not be done. That is a sufficient answer to that proposition, but here is the position. In the city of New York, in the city of Cincinnati, in the city of St. Louis, and many other cities at present are laboratories for the examination of these articles that are alleged to be adulterated. Why can not the National Government pay the people in charge of those laboratories for the examination of the articles which are alleged to be adulterated in interstate commerce instead of setting up a new laboratory side by side? What is the reason for duplicating the work?

Mr. TAWNEY. That is exactly what is proposed by the Department of Agriculture.

Mr. MANN. Oh, I beg the gentleman's pardon.

Mr. TAWNEY. It is the duplicating of laboratories. There are five or six laboratories estimated here in the interior of this country—

Mr. MANN. I beg the gentleman's pardon, it is proposed under this bill to establish a number of new national laboratories, but it is not proposed to establish laboratories in every city in the country where there is one now and—

Mr. TAWNEY. I can name one where it is proposed to establish a Government laboratory where there is a State laboratory.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DRISCOLL. I would like to know if it is the intention of the gentleman or does he expect the Department to have practically all its work done by the State where it may be done locally by the State officer?

Mr. MANN. I understand this is the proposition of the Department, that they will employ probably forty, or such matter, of general inspectors, as far as possible scattered throughout the country. Originally they said one for each State, but it is perfectly manifest that some States do not need an inspector for the State and other States will need more than one; but say there are thirty or forty inspectors, at a salary of \$2,000 a year each, which, with traveling expenses—for the inspectors will be on the road most of the time—would probably amount to the sum of \$5,000 a year to an inspector. In addition to that, the Department expects to use three or four or five additional laboratories to the ones which they now have and to employ chemists, at a salary of \$3,000, or such matter, to be in charge of those laboratories, and in addition to that, they have expected to collaborate with the State and local officials in obtaining information in relation to the violation of the law, and where information was furnished to pay them.

The gentleman says that this can not be done. The gentleman forgets that to-day the United States Government pays to the policeman who catches a deserter from the Army or Navy a certain amount of money, and he might well put in the Army appropriation bill that no portion of this money shall be paid to any local official, which would bar the policeman from returning a deserter. But that is the proposition here. Nobody expects to put these men on a high-salaried pay roll.

Mr. TAWNEY. That is given as a reward to the police officers of the municipality or of the States. It is not paid as a salary or as compensation for services.

Mr. MANN. I do not care what he calls it. It is compensation.

Mr. TAWNEY. It is no employment by the Federal Government.

Mr. MANN. Of course it is perfectly out of the question for the Federal Government to obtain the services of the State officers and put them on the pay roll as full-fledged and full-priced officials. That could not be done, because they could not serve both all the time. But a great many of the pure-food inspectors

are not engaged busily all the time, and why can not they serve the National Government in those matters that relate to the duty of the National Government, instead of our employing another inspector to work side by side with the State inspector? I do not know how many thousands, but there are thousands, probably, of inspectors connected with the State or with the local officials. Why should we duplicate all of these when, if we obtain their collaboration—their services so far as we need them—we can enforce the law with very small expense? I do not believe we could enforce the law for \$5,000,000 a year if we do it as the gentleman says.

Mr. WADSWORTH. I simply want to call attention to the fact that in our experimental work in connection with the State experiment stations we do exactly this thing. We advance a little money for the work and we get the benefit of the work done at the experimental station, both in soil and in the climate of the State, and if the amendment offered by the gentleman from Minnesota [Mr. TAWNEY] should be applied to all the provisions of the bill all that work would have to stop.

Mr. MANN. And, notwithstanding the State constitution of the States of Pennsylvania and of Minnesota and of other States, these officers in charge of the State experiment station used to get \$15,000 and now \$30,000 a year, and much of it they receive as salaries properly, notwithstanding the law and the constitution which the gentleman refers to.

Mr. FITZGERALD. Mr. Chairman, I hope this amendment will be adopted. In the State and city of New York there is a large force of men employed in the enforcement of the local pure-food law. It is proposed by the Department of Agriculture to employ men, paid much larger salaries by the city and State, in work to be done for the Federal Government, and as the gentleman from New York [Mr. WADSWORTH] says, to have these men certify that they have spent entire days in the work of the Federal Government. I have no doubt that any men in the health department of the city of New York who would certify that they had spent entire days in the employ of the Federal Government, and who accepted compensation for their services, would quickly find themselves out of the employment of the city. Men there are paid larger salaries than the Federal Government pays. They have more to do each day than they can reasonably do in a day. They have sufficient to keep them busy, and if they properly perform their duties under the State law known as the "agricultural law," they will have no time to give to the Federal service. The enforcement of this law should be by a distinct and separate force. It will be very easy, and it would be proper, if the State or municipal authorities obtain evidence that a violation of the Federal law has taken place within its jurisdiction, to transmit that evidence to the Federal Government without any additional compensation to the State or municipal officials from the Federal Government. The desire of all of the men employed by the States and municipalities would be to seek opportunities to obtain part of the Federal appropriation in order to increase their compensation and to increase their compensation in that way for doing the very thing required of them by virtue of their employment by the States or municipalities. This appropriation should not be used to enlarge the compensation of the men employed by the States or the municipalities.

Mr. COCKS. I would like to say, for the benefit of the committee, that the plan proposed by the Department seemed to the entire committee to be an entirely feasible and workable plan, notwithstanding the objections made by the gentlemen here.

Mr. TAWNEY. Mr. Chairman, the only objection that the gentleman from New York [Mr. WADSWORTH] and the gentleman from Illinois [Mr. MANN] offers to this amendment is that it may result in increasing the cost of administering our Federal pure-food law. I do not recall any of the discussions referred to by the gentleman from Illinois wherein he says it was claimed all along during the consideration of the pure-food law that its enforcement was to be effected by a partnership with the several States of the Union. I imagine that if that proposition had been made as the policy which the Government of the United States was to follow in the enforcement of this law he would have had far more difficulty in securing the passage of the bill than he did have.

Now, Mr. Chairman, I maintain that it does not necessarily follow that if we keep separate and distinct under the control and jurisdiction of ourselves the enforcement of this pure-food law that it would necessarily result in increasing the cost beyond the amount which will be required under the policy of a co-partnership with the States. If the policy of the Department of Agriculture is to be carried out, how long will it be before the States will discover that their inspectors, being paid from the Federal Treasury for the enforcement of Federal law, must necessarily discover infractions or violations of State laws? How

long will it be before they will cease to appropriate money for the payment of State inspectors, leaving the entire burden of the enforcement of the State pure-food laws to rest upon the Federal Government?

Mr. LITTLEFIELD. Is the gentleman from Minnesota aware of the fact that the Government is now paying in many Western States all the expense involved in enforcing the various State laws in connection with the regulation of diseases of cattle, annually aggregating an amount exceeding perhaps thousands of dollars every year?

Mr. TAWNEY. I am aware of the fact, and I am obliged to the gentleman for calling my attention to it.

Mr. LITTLEFIELD. It is so testified on oath before a committee.

Mr. TAWNEY. I was informed a few days ago by the Member of Congress from Wyoming [Mr. MONDELL] that before the Federal Government, through its agents in the Department of Agriculture, came to the State of Wyoming and began the investigation of cattle, sheep, and hogs for the purpose of discovering diseases and eradicating them, the State of Wyoming had not only an efficient law on the subject, but also had a corps of inspectors who were enforcing that law; and to-day the State of Wyoming is not appropriating any money for local inspection, but is relying entirely upon the force of inspectors in that State employed by the Federal Government and paid for out of the Treasury of the United States.

So it will be, Mr. Chairman, with the enforcement of this pure-food law. We are now starting a new service. We know—we all know—how difficult it is when we once embark upon the work of discharging the duties and performing the functions of a State government by encroaching upon the Federal Treasury for the purpose of defraying the expense, we all know how hard it is to get away from it. But I maintain that here and now is the time, in respect to the enforcement of this pure-food legislation, for Congress to take its stand in favor of the Federal Government performing its functions under the existing law and paying from its own Treasury the entire expense. Then we will know what it is costing the people to enforce our national pure-food legislation.

We will also at the same time give the States to understand that they must not look to the Federal Government or expect it to perform and exercise rights which they reserved to themselves, and that they must provide and pay for that exercise out of their own treasury. [Applause.]

Mr. Chairman, I say that it is folly for any Member of this House to say that it is necessary for the Federal Government to go into any copartnership with the States in the enforcement of a Federal law simply because it is more economical to do it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I trust that the amendment offered by the gentleman from Minnesota will be adopted. I think it will not require any great amount of reflection on the part of the committee to see that unless it is adopted the enforcement of this law will require an increased expenditure by the National Government and reduced expenditure by the State governments. We all know that the present trend of affairs is toward centralization of power, toward saddling duties which ought to be discharged by the State upon the National Government, and putting upon the National Government the financial burdens of the States. I think as soon as we create this mongrel office, part Federal and part State, that little by little the duties of the State official will diminish and little by little the duties of the Federal official will increase, and as a result the compensation will come more largely from the Federal Treasury than from the State treasury. And let me repeat the suggestion of the gentleman from Indiana. To what sovereign would this new official owe allegiance? Would he owe it to the National Government or to the State? Is it wise for the States to have in their midst officers who are paid partly from the National Treasury and partly from the State treasury? How long would it be before such a system would lead to confusion in the administration of these two sets of law, national and State? How long would it be before States would experience the baneful results of the pernicious activity of these Federal officials, paid from the Federal Treasury, in the political affairs of the State? I think there is every reason, drawn from experience and from logic, in favor of the passage of this amendment. We were told recently in a public speech that if the States of this nation failed to act in the interest of their people the Federal Government would extend the sweep of its arm and administer the functions of the States. The Federal officer who made that speech failed to tell us who would be the judges of the neglect of the States, and we must conclude that the self-appointed censors of State action will reside here in the city of Washington and be part of the reigning administra-

tion. I do not think that the gentlemen upon this side of the Chamber ought to lend themselves willingly to anything which adds to the powers of the Federal Government by taking away some of the reserved powers of the State governments.

Now, there is every reason why in the administration of this law the officials should be kept apart. Their duties are distinct and they should be separate. The State official has the right to protect the State against contamination in its food supply from every source; not only from foods manufactured within the State and sold there, but from foods manufactured outside of the State and shipped therein for consumption. The duties of the Federal official are quite different from that. He has no right to supervise the sale of food in a State which is manufactured for use within that State, but his duty should be confined to the food which is prepared in the State for export beyond its boundary and the food which is manufactured outside of the State to ship into the State. The very fact that these two laws are different requires their administration by different officials and furnishes the strongest argument why the division between national and State authority should be maintained.

Let us look at the growth of the Departments of this Government for a moment, if we would measure the force of this sweep toward centralized power. Gentlemen who have been here for a long time will remember what little power, comparatively, was exercised by the Department of Agriculture a few years ago and what immense powers it enjoys to-day. Let us look at the new Department of Commerce and Labor and see how its clerks have grown and multiplied and its expenditures along with its clerks. That in itself should give us pause, should warn us to check the tendency of bureaus and Departments of the National Government to encroach upon the powers of the States.

Some men may say this is only a small matter. Of course, it is always a small matter. It has always been in a small way that the liberties of the people have been taken from them. Never is it done by a single act or a single stroke or a single exercise of power, but silently, stealthily, and by small degrees, and if we allow this Department to encroach upon the preserves of the States by small degrees, it will not be long before the last vestige of State rights will have disappeared, and disappeared, I am sorry to say, by sanction of the votes of the gentlemen who sit here as the representatives of the people of the States. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. LATTI, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On January 23:

H. R. 21689. An act to increase the limit of cost of five light-house tenders heretofore authorized.

On January 25:

H. R. 23114. An act extending to the support of Bellingham, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

On January 26:

H. R. 3380. An act granting an increase of pension to Frank G. Hammond; and

H. R. 15769. An act granting an increase of pension to William W. Bennett.

On January 28:

H. R. 24048. An act authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Spokane and Inland Empire Railroad Company, its successors and assigns.

On January 29:

H. J. Res. 190. Joint resolution extending protection of second proviso of section 1 of the act of December 21, 1904, to certain entrymen.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question being taken, on a division (demanded by Mr. WILLIAMS) there were—ayes 65, noes 29.

Mr. MANN. Tellers, Mr. Chairman.

Tellers were refused, three Members, not a sufficient number, rising in support of the demand.

Accordingly, the amendment was agreed to.

Mr. HAUGEN. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert, page 40, line 13, after the word "plants," the following:
 "To enable the Secretary of Agriculture to investigate and ascertain the most economic method of producing denatured alcohol; the cost of the manufacturing plants for its production; the relative value of different materials suited for the production of such alcohol, and the practical uses to which such alcohol can be put, and its cost."

Mr. WADSWORTH. Mr. Chairman, I make the point of order against that amendment. I will reserve it if the gentleman desires to be heard upon it.

Mr. HAUGEN. Mr. Chairman, at this late hour of the day I will not take up much time in discussing this question. I believe that every member of this committee appreciates the importance of this investigation, but I shall not take up any further time. I had hoped that the gentleman from New York would withhold his point of order.

Mr. WADSWORTH. I have reserved the point of order.

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. WADSWORTH. I make the point of order that it is new legislation, and it is not germane.

The CHAIRMAN. Does the gentleman from Iowa care to be heard on the point of order?

Mr. HAUGEN. No; I think it is subject to the point of order. I was in hopes that the gentleman would see the importance of the question and that he would withhold the point of order. I think it is a question that we are very much interested in, and it concerns the agricultural interests of this country.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent that the Clerk change the total there. On account of the point of order raised by the gentleman from Arkansas [Mr. MAON] the total should be \$1,000 less.

The CHAIRMAN. Without objection, the Clerk will change the total.

The Clerk read as follows:

Total for Bureau of Soils, \$206,980.

Mr. WADSWORTH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FOSTER of Vermont, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the agricultural appropriation bill, and had come to no resolution thereon.

CODE FOR THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

In compliance with the resolution of the House of Representatives (the Senate concurring) of the 28th instant, I return herewith House bill No. 16944, entitled "An act to amend section 878 of the Code of Law for the District of Columbia."

THEODORE ROOSEVELT.

The WHITE HOUSE, January 29, 1907.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that the bill, with the accompanying message, be referred to the Committee on the District of Columbia.

The SPEAKER. The question is on the motion of the gentleman from Kansas.

The question was taken; and the motion was agreed to.

BRIDGE ACROSS MISSOURI RIVER.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24367) to authorize the Interstate Bridge and Terminal Railway Company, of Kansas City, Kans., to construct a bridge across the Missouri River at or near Kansas City, Kans., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Interstate Bridge and Terminal Railway Company, of Kansas City, Kans., a corporation organized under the laws of the State of Kansas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge, and approaches thereto, across the Missouri River from a point in the county of Wyandotte, State of Kansas, within 1 mile of the intersection of the north and south section lines between sections Nos. 29 and 30, in township No. 10 south, of range No. 25 east, in said county, to some point opposite on the north or left bank of said river in the county of Platte, State of Missouri, or as near thereto as may be selected, said bridge to be for the purpose of the passage of railway trains either by means of single track or double track, and also, at the

option of said company, its successors and assigns, to be used for the passage of wagons, vehicles, street cars, animals, and persons on foot and in vehicles, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following amendments:

In line 8, after the word "point," insert the words "to be approved by the Secretary of War;" and after the word "Kansas," in line 9, strike out all of the remainder of that page, all of line 1 on page 2, and the word "county," in line 2; and in lines 3 and 4 strike out the words "or as near thereto as may be selected."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The question was taken; and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

CONVEYING LAND IN ST. AUGUSTINE, FLA.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1726) making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as "The Lines," for school purposes, which I send to the desk, and I ask unanimous consent that the amendment in the nature of a substitute may be read instead of the original bill.

The SPEAKER. The gentleman from Florida asks unanimous consent for the present consideration of the bill which he has sent to the desk, and asks further unanimous consent that the amendment in the nature of a substitute may be read in lieu of the original Senate bill. Is there objection?

Mr. BENNET of New York. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Florida if this is a part of that military reservation on that island about which a bill was reported from the Private Land Claims Committee last session?

Mr. CLARK of Florida. No; it is not.

The SPEAKER. The Chair hears no objection, and the Clerk will read the substitute.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War, upon the condition that the board of public instruction of St. Johns County, Fla., shall lay a suitable drain from a point on Fort Marion Reservation near the city gates to the Matanzas River, said drain to be approved by the Chief of Engineers and the work to be executed under the supervision of the local engineer, be, and he is hereby, authorized to deed to the city board of public instruction and its successors in office so much of the following-described piece or strip of Government land of the city of St. Augustine, Fla., bounded by lines as follows: Commencing at a point N. 63° 9' W. 132.86 feet from a stone monument on the boundary line of Fort Marion Reservation, distant 20.83 feet east of the city gates and on the production eastward of a line following the north face of said gates; running thence S. 82° 29' W. 2,393.49 feet, more or less, to a point N. 7° 31' W. 121 feet from the intersection of the south boundary line of the United States reservation known as "The Lines" with the west boundary of Malaga street; thence S. 7° 31' E. 75 feet; thence N. 82° 29' E. 2,393.49 feet, more or less; thence N. 7° 31' W. 75 feet to the point of commencement (courses magnetic, variation 2° 30' E.), as the said Secretary of War may deem sufficient for school purposes: *Provided*, That said deed shall contain a clause to the effect that whenever said property, or any portion thereof, ceases to be used for school purposes, so much of the same as is not so used shall revert to and become the property of the United States.

Mr. CLARK of Florida. Mr. Speaker, I have two amendments which I wish to offer to the substitute, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert, after the word "lay," in line 6, page 3, the words "and maintain."

Insert, after the word "engineer," in line 9, on page 3, the words "and the United States to have perpetual use of the same for said reservation."

The SPEAKER. The question is on agreeing to the amendments to the substitute.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the third reading of the bill in the nature of a substitute as amended.

The bill was ordered to be read a third time, read the third time, and passed.

INSURANCE IN THE DISTRICT OF COLUMBIA.

Mr. AMES. Mr. Speaker, I ask unanimous consent for the reprint of the report of the superintendent of insurance of the District of Columbia, etc., being House Document No. 559, Fifty-ninth Congress, second session.

The SPEAKER. The gentleman asks unanimous consent for the reprint of the report indicated by him. Is there objection? There was no objection.

ENROLLED JOINT RESOLUTIONS AND BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

H. J. Res. 230. Joint resolution continuing the Postal Commission until the close of the present session of Congress; and

H. J. Res. 231. Joint resolution authorizing the Secretary of War to sell certain hay, straw, and grain at Fort Assiniboine.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 8014. An act to authorize The National Safe Deposit, Savings and Trust Company of the District of Columbia, to change its name to that of National Savings and Trust Company;

S. 7034. An act to incorporate the International Sunday School Association of America; and

S. 7827. An act permitting the building of a railway bridge across the Mississippi River in Morrison County, State of Minnesota.

FISH-HATCHING AND FISH-CULTURE STATIONS IN THE VARIOUS STATES.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 16015) to establish fish-hatching and fish-culture stations in the various States, and for other purposes, and to refer the same back to the Committee on the Merchant Marine and Fisheries.

The SPEAKER. The gentleman from Ohio asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill indicated and refer the same back to the Committee on the Merchant Marine and Fisheries. Is there objection?

Mr. WILLIAMS. What is the bill?

Mr. GROSVENOR. It is the bill known as the "omnibus fish-station bill," and the purpose of returning the bill to the committee is to make some improvements in the bill.

The SPEAKER. The Chair hears no objection.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until to-morrow at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for new construction at Fort Bayard, N. Mex.—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of D. H. Martin, administrator of estate of Andrew J. Martin, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James B. Hogle, administrator of estate of L. D. Hogle, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of T. C. Cox, administrator of estate of Samuel L. Henderson, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mrs. Kate R. Forbes, administratrix of estate of Robert L. Forbes, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Solon D. Moore, administrator of estate of Elihu Farrar, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. Peyton White against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of

Andrew J. Woods against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William J. Porter against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Joseph H. Thompson against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SULLOWAY and Mr. LOUDENSLAGER, from the Committees on Invalid Pensions and Pensions, to which was referred the bill of the Senate (S. 976) granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico, reported the same without amendment, accompanied by a report (No. 6901); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CUSHMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 24760) authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes, reported the same without amendment, accompanied by a report (No. 6904); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 24821) to authorize the Georgia Southwestern and Gulf Railroad Company to construct a bridge across the Chattahoochee River between the States of Alabama and Georgia, reported the same without amendment, accompanied by a report (No. 6905); which said bill and report were referred to the House Calendar.

Mr. ALEXANDER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 19752) amending section 10 of the act approved March 3, 1905, providing for an additional division in the seventh district of Illinois and an additional term of court at the city of Quincy, reported the same with amendment, accompanied by a report (No. 6906); which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 24657) to authorize the Albany Railroad Bridge Company or the Chicago and Northwestern Railway Company to reconstruct a bridge across the Mississippi River, reported the same with amendment, accompanied by a report (No. 6908); which said bill and report were referred to the House Calendar.

Mr. ALEXANDER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 21383) providing that terms of the circuit court of the United States for the western district and of the district court of the United States for the northern division of the western district of the State of Washington be held at Bellingham, reported the same with amendment, accompanied by a report (No. 6909); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the Senate (S. 4685) to reimburse Ella M. Collins, late postmaster at Goldfield, Nev., for money expended for clerical assistance and supplies, reported the same without amendment, accompanied by a report (No. 6902); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4686) to reimburse Garrett R. Bradley, late postmaster at Tonopah, Nev., for money expended for clerical assistance, reported the same without amendment, accompanied by a report (No. 6903); which said bill and report were referred to the Private Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 22210) to cor-

rect the military record of Homer Quick, reported the same without amendment, accompanied by a report (No. 6907); which said bill and report were referred to the Private Calendar.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1215) to correct the military record of William Fleming, reported the same without amendment, accompanied by a report (No. 6910); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3593) granting an honorable discharge to Joseph P. W. R. Ross, reported the same with amendment, accompanied by a report (No. 6911); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. PAYNE: A bill (H. R. 25122) to impose a tax on bay rum brought from Porto Rico into the United States—to the Committee on Ways and Means.

By Mr. RODENBERG: A bill (H. R. 25123) providing for the construction of a bridge across the Mississippi River—to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Washington: A bill (H. R. 25124) amending section 2477 of the Revised Statutes of the United States—to the Committee on the Public Lands.

By Mr. LITTLEFIELD: A bill (H. R. 25125) providing for the binding of Government publications in cloth—to the Committee on Printing.

By Mr. DE ARMOND: A bill (H. R. 25126) to provide for the manufacture and sale by the Government of diphtheria antitoxin—to the Committee on Interstate and Foreign Commerce.

By Mr. McLACHLAN: A bill (H. R. 25127) to amend section 2 of an act entitled "An act relating to the public lands of the United States," approved June 15, 1880—to the Committee on the Public Lands.

By Mr. McGUIRE: A bill (H. R. 25128) to legalize the incorporation of the city of Pawhuska, Osage Indian Reservation, Okla., and for other purposes—to the Committee on Indian Affairs.

Also, a bill (H. R. 25129) directing the President of the United States to appoint a committee to examine certain lands in the Choctaw Nation, Indian Territory—to the Committee on Indian Affairs.

By Mr. COUDREY: A bill (H. R. 25130) to parole United States prisoners—to the Committee on the Judiciary.

By Mr. KINKAID: A bill (H. R. 25131) for the resurvey of township 27 north, range 16 west, and township 34 north, range 32 west, sixth principal meridian, in the State of Nebraska—to the Committee on the Public Lands.

By Mr. BABCOCK: A bill (H. R. 25132) authorizing changes in certain street railway tracks within the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. CURRIER: A bill (H. R. 25133) to amend and consolidate the acts respecting copyright—to the Committee on Patents.

By Mr. LITTLEFIELD: A joint resolution (H. J. Res. 232) for the condemnation of Government publications in the office of Public Printer and their sale as waste paper, under contract—to the Committee on Printing.

Also, a joint resolution (H. J. Res. 233) authorizing the Doorkeeper to condemn or otherwise dispose of accumulation of documents—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 25134) granting a pension to A. M. Rea—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 25135) granting an increase of pension to William L. James—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25136) granting an increase of pension to George R. Parker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25137) granting an increase of pension to Paul Gettis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25138) granting an increase of pension to John McGinnis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25139) granting an increase of pension to George W. Chatfield—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 25140) granting an in-

crease of pension to Joseph H. Wagner—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 25141) granting an increase of pension to James M. Pettengill—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 25142) for the relief of Anna K. Carpenter, or her heirs at law—to the Committee on Claims.

By Mr. COUDREY: A bill (H. R. 25143) granting an increase of pension to Elizabeth Wolfe—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 25144) granting an increase of pension to David Conley—to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 25145) granting an increase of pension to Charles Henry Weatherwax—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 25146) granting an increase of pension to Nelson Duntz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25147) granting a pension to James Pierce—to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 25148) granting an increase of pension to William B. Rowland—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 25149) granting an increase of pension to Joshua L. Hayes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25150) granting a pension to Tilman E. Barns—to the Committee on Pensions.

By Mr. HAYES: A bill (H. R. 25151) granting an increase of pension to B. F. Hamell—to the Committee on Pensions.

By Mr. HAUGEN: A bill (H. R. 25152) granting an increase of pension to James W. Potter—to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 25153) for the relief of the heirs of Francis Griffin, deceased—to the Committee on War Claims.

By Mr. JAMES: A bill (H. R. 25154) for the relief of J. M. Woolf—to the Committee on War Claims.

By Mr. LITTLEFIELD: A bill (H. R. 25155) granting a pension to Mary A. Rhoades—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25156) granting an increase of pension to Hattie J. Youland—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 25157) granting an increase of pension to Sallie D. Winslow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25158) granting an increase of pension to Matilda C. Carruth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25159) granting an increase of pension to William F. Rounds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25160) granting an increase of pension to John O. Tuell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25161) granting an increase of pension to Charles D. Barnard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25162) granting an increase of pension to John F. Hatch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25163) granting an increase of pension to James F. Rhodes—to the Committee on Pensions.

Also, a bill (H. R. 25164) granting a pension to Annie M. Rundlet—to the Committee on Invalid Pensions.

By Mr. McKINLAY of California: A bill (H. R. 25165) for the relief of the heirs of Ann H. Cunningham—to the Committee on Claims.

Also, a bill (H. R. 25166) for the relief of Joseph Gallagher, postmaster at Davisville, Cal.—to the Committee on Claims.

By Mr. McLACHLAN: A bill (H. R. 25167) granting an increase of pension to Levi B. Gaylord—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 25168) for the relief of Peter Van Valer—to the Committee on Military Affairs.

By Mr. PARSONS: A bill (H. R. 25169) granting an increase of pension to Martha E. Sykes—to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 25170) granting a pension to John W. McDowell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25171) granting an increase of pension to Israel L. Hohn—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: A bill (H. R. 25172) granting an increase of pension to B. N. Isaacs—to the Committee on Invalid Pensions.

By Mr. SCHNEEBELI: A bill (H. R. 25173) for the relief of Charles Hafner—to the Committee on Military Affairs.

By Mr. SHERLEY: A bill (H. R. 25174) granting an in-

crease of pension to Henry W. Casey—to the Committee on Invalid Pensions.

By Mr. SMITH of Arizona: A bill (H. R. 25175) granting an increase of pension to James Renshaw—to the Committee on Pensions.

By Mr. STAFFORD: A bill (H. R. 25176) granting an increase of pension to Gottfried Haferstein—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25177) granting an increase of pension to Henry Hertzler—to the Committee on Invalid Pensions.

By Mr. TYNDALL: A bill (H. R. 25178) granting a pension to Alexander C. Kisse—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 25179) transferring Commander William Wilmot White from the retired to the active list of the Navy—to the Committee on Naval Affairs.

By Mr. McLACHLAN: A bill (H. R. 25180) authorizing the appointment of Dr. Charles A. Sewall on the retired list—to the Committee on Military Affairs.

Also, a bill (H. R. 25181) granting an increase of pension to William Lordon—to the Committee on Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 23094) granting a pension to Marcellus Howser—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1232) granting a pension to John V. Buskirk—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 24722) granting an increase of pension to Michael Oberle—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Emil Nilsson et al., for law governing distillation of alcohol—to the Committee on Ways and Means.

Also, petition of railway employees in various portions of the United States, for passage of bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Philippine Economic Association, for improvement in banking interests of the Philippine Islands—to the Committee on Insular Affairs.

Also, petition of Nahum J. Bachelder, master of National Grange, Patrons of Husbandry, against the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Takoma Park citizens, for a branch library at Takoma Park—to the Committee on the District of Columbia.

Also, petition of Gutman Kirchiff et al., citizens of Key West, Fla., against enactment of the pending immigration bill—to the Committee on Immigration and Naturalization.

By Mr. ALEXANDER: Petition of the Erie County Bar Association, Buffalo, N. Y., for bill H. R. 13391—to the Committee on the Judiciary.

Also, petition of Bowmansville (N. Y.) Grange, No. 914, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Buffalo Division, No. 2, Order of Railway Conductors, against bill S. 5133—to the Committee on Interstate and Foreign Commerce.

By Mr. BARCHFELD: Petitions of citizens of Salem, N. J.; Hickman, Ky.; Mead, S. Dak.; Union, S. C., and Cecil County, Md., against bill S. 5221, to regulate the practice of osteopathy in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BENNETT of Kentucky: Papers to accompany bills for relief of Noah L. Payne, Paul Gettes, and John McGinnis—to the Committee on Invalid Pensions.

By Mr. BINGHAM: Petition of the Siegler Hat Company, of Philadelphia, Pa., for amendments to the law governing distillation of alcohol—to the Committee on Ways and Means.

By Mr. BROWNLOW: Paper to accompany a bill for relief of Effie Cawood—to the Committee on War Claims.

By Mr. BURKE of Pennsylvania: Petition of Laughlin Lodge, No. 633, Brotherhood of Locomotive Firemen, for bills S. 5133 and H. R. 9328—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLEIGH: Paper to accompany bill for relief of James M. Parker—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Ohio: Paper to accompany bill for relief of Amos Faust—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: Petition of the Florida State Board of Trade, for an exposition at Tampa, Fla., in 1908 to celebrate the commencement of work on the Panama Canal—to the Committee on Industrial Arts and Expositions.

Also, petition of the Florida State Board of Trade, opposing restriction of immigration laws—to the Committee on Immigration and Naturalization.

By Mr. COLE: Petition of Cantwell Post, No. 97, Grand Army of the Republic, of Kenton, Ohio, for the McCumber bill (S. 976)—to the Committee on Invalid Pensions.

Also, petition of ex-soldiers of Findlay, Ohio, for the McCumber bill (service pension)—to the Committee on Invalid Pensions.

By Mr. DALE: Petition of the Consumers' League of Philadelphia, favoring the Beveridge-Parsons bill—to the Committee on Labor.

Also, petition of the Pennsylvania department of agriculture, for increase to \$20,000 of the appropriation for farmers' institutes and agricultural schools—to the Committee on Agriculture.

Also, petition of the Private Commercial School Managers' Association, for revision of the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of Washington Camp, No. 333, and Fred Genter, for the Senate Immigration bill—to the Committee on Immigration and Naturalization.

By Mr. DOVENER: Paper to accompany bill for relief of Silas Garrison—to the Committee on Invalid Pensions.

Also, petition of the West Virginia State Grange, for bill H. R. 15346 (public lands for State normal schools of the United States)—to the Committee on the Public Lands.

By Mr. ELLIS: Petition of the Peet Brothers Manufacturing Company et al., for amendment of the laws regulating distillation of alcohol—to the Committee on Ways and Means.

By Mr. FLETCHER: Paper to accompany bill for relief of William A. Edwards—to the Committee on War Claims.

By Mr. FULLER: Petition of the Department of Illinois, United Spanish War Veterans, for honor medals for those who served in Spanish-American war—to the Committee on Military Affairs.

Also, petition of the Parsons Lumber Company, of Rockford, Ill., for an annual appropriation of \$50,000,000 for improvement of waterways—to the Committee on Rivers and Harbors.

Also, petition of Samuel Gompers, president of the American Federation of Labor, for educational test in the immigration bill—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Petition of Clark W. Stedford and James Jenkinson, favoring the Green and Wilson bills increasing salaries of postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Paper to accompany bill for relief of Mrs. J. L. Boone (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. HIEFLIN: Petition of citizens of Mobile, Ala., against the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. HENRY of Connecticut: Petition of New Haven Lodge, No. 21, O. B. A., against discriminating legislation in the immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HINSHAW: Petition of the Nebraska house of representatives, favoring a national income tax—to the Committee on Ways and Means.

By Mr. JAMES: Paper to accompany bill for relief of John Wood—to the Committee on War Claims.

By Mr. KAHN: Petition of W. F. Eckert and 11 others, of San Francisco, against employment of Asiatics in the construction of the Panama Canal—to the Committee on Foreign Affairs.

By Mr. LILLEY of Connecticut: Petition of lodges of O. B. A. of New Haven, Conn., and Horeb Lodge, No. 25, I. O. B. B., of New Haven, Conn., against certain discriminating provisions of the immigration bill—to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Paper to accompany bill for relief of S. G. Burdick—to the Committee on Invalid Pensions.

Also, petition of the New York Board of Trade and Transportation, for a law establishing forest reserves in the Appalachian and White mountains—to the Committee on Agriculture.

Also, petition of Edward Long, of New York, for certain modification of the pure-food bill—to the Committee on Agriculture.

By Mr. LITTLEFIELD: Petition of citizens of Houlton, Aroostook County, Me., for the Littlefield-Carmack original-package bill—to the Committee on the Judiciary.

By Mr. LOUDENSLAGER: Paper to accompany bill for relief of John V. Buskerk (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Henry Garner—to the Committee on War Claims.

By Mr. NEVIN: Petition of the Dayton Motor Car Company, for legislation governing distillation of alcohol so as to permit farmers to produce alcohol on a small scale—to the Committee on Ways and Means.

By Mr. NORRIS: Petition of the Nebraska house of representatives, for a national income tax as per President's message—to the Committee on Ways and Means.

By Mr. RYAN: Petition of the New York Board of Trade and Transportation, for forest reservations of the Appalachian Mountains and the White Mountains—to the Committee on Agriculture.

By Mr. SMITH of Arizona: Paper to accompany bill for relief of Mrs. C. H. Keyes—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James R. Boyer—to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of Marcellus Howser (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. VOLSTEAD: Petition of citizens of Minnesota, for an amendment to bill governing distillation of alcohol so as to benefit small distillers—to the Committee on Ways and Means.

By Mr. WALLACE: Paper to accompany bill for relief of Peter Leatherman—to the Committee on War Claims.

SENATE.

WEDNESDAY, January 30, 1907.

Prayer by the Chaplain, REV. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. FULTON, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

SENATOR FROM OREGON.

Mr. FULTON. Mr. President, I present the certificate of election of Hon. Frederick W. Mulkey, of Oregon, chosen as a United States Senator from the State of Oregon for the unexpired term of John H. Mitchell. I ask that the certificate may be read.

The credentials of Frederick W. Mulkey, chosen by the legislature of the State of Oregon a Senator from that State for the term ending March 3, 1907, being the unexpired portion of the term for which John H. Mitchell, deceased, was elected, were read and ordered to be filed.

Mr. FULTON. The newly elected Senator from Oregon is present, and I ask that the oath may be administered to him.

The VICE-PRESIDENT. The Senator-elect will present himself at the Vice-President's desk and take the oath prescribed by law.

Mr. Mulkey was escorted to the Vice-President's desk by Mr. FULTON, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

CREDENTIALS.

Mr. FULTON presented the credentials of Jonathan Bourne, jr., chosen by the legislature of the State of Oregon a Senator from that State for the term beginning March 4, 1907; which were read and ordered to be filed.

Mr. SCOTT presented the credentials of STEPHEN BENTON ELKINS, chosen by the legislature of the State of West Virginia a Senator from that State for the term beginning March 4, 1907; which were read and ordered to be filed.

Mr. LATIMER presented the credentials of BENJAMIN RYAN TELLMAN, chosen by the legislature of the State of South Carolina a Senator from that State for the term beginning March 4, 1907; which were read and ordered to be filed.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the St. Paul Reformed Church, of Woodstock, Va., against The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 1726) making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as

"The Lines," for school purposes, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 24361. An act to amend an act entitled "An act to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostraver Township, Westmoreland County," approved March 14, 1904;

H. R. 24367. An act to authorize the Interstate Bridge and Terminal Railway Company of Kansas City, Kans., to construct a bridge across the Missouri River at or near Kansas City, Kans.; and

H. R. 24747. An act providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 7034. An act to incorporate the International Sunday School Association of America;

S. 8014. An act to authorize The National Safe Deposit, Savings and Trust Company of the District of Columbia, to change its name to that of National Savings and Trust Company;

H. R. 637. An act granting an increase of pension to William H. Bone;

H. R. 676. An act granting an increase of pension to Musgrove E. O'Connor;

H. R. 725. An act granting an increase of pension to George E. Smith;

H. R. 742. An act granting an increase of pension to James Wintersteen;

H. R. 1144. An act granting an increase of pension to Franklin McFalls;

H. R. 1150. An act granting an increase of pension to Emma J. Turner;

H. R. 1185. An act granting a pension to Josiah C. Hancock;

H. R. 1252. An act granting an increase of pension to Mary E. Mathes;

H. R. 1337. An act granting an increase of pension to James B. Evans;

H. R. 1512. An act granting an increase of pension to Melvin T. Edmonds;

H. R. 1693. An act granting an increase of pension to Joseph Q. Oviatt;

H. R. 1717. An act granting an increase of pension to George M. Fowler;

H. R. 1723. An act granting an increase of pension to Rutson J. Bullock;

H. R. 1937. An act granting an increase of pension to Joseph B. Williams;

H. R. 2055. An act granting an increase of pension to Joanna L. Cox;

H. R. 2056. An act granting an increase of pension to Lucas Longendycke;

H. R. 2175. An act granting an increase of pension to James W. Bliss, alias James Warren;

H. R. 2286. An act granting an increase of pension to Jacob Miller;

H. R. 2399. An act granting an increase of pension to Charles F. Sancerainte;

H. R. 2421. An act granting an increase of pension to Daniel S. Mevis;

H. R. 2726. An act granting an increase of pension to John C. Keach;

H. R. 2764. An act granting an increase of pension to George L. Robinson;

H. R. 2769. An act granting an increase of pension to Ethan A. Valentine;

H. R. 2793. An act granting an increase of pension to Nathan D. Chapman;

H. R. 2826. An act granting an increase of pension to Samuel Prochel;

H. R. 3226. An act granting an increase of pension to John E. Leahy;

H. R. 3740. An act granting an increase of pension to John G. H. Armistead;

H. R. 3989. An act granting an increase of pension to Hiram T. Houghton;

H. R. 4149. An act granting an increase of pension to Thompson Wall;